S. HRG. 100-614

UMATILLA BASIN PROJECT ACT

HEARING

BEFORE THE

SUBCOMMITTEE ON WATER AND POWER

OF THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES UNITED STATES SENATE

ONE HUNDREDTH CONGRESS

SECOND SESSION

ON

S. 1613

TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO CONSTRUCT, OPERATE, AND MAINTAIN THE UMATILLA BASIN PROJECT, OREGON, AND FOR OTHER PURPOSES

PENDLETON, OR, FEBRUARY 8, 1988

Printed for the use of the
Committee on Energy and Natural Resources

U.S. GOVERNMENT PRINTING OFFICE

85-065 WASHINGTON : 1988

For sale by the Superintendent of Documents, Congressional Sales Office
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S311-65

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UMATILLA BASIN PROJECT ACT

MONDAY, FEBRUARY 8, 1988

U.S. SENATE,
SUBCOMMITTEE ON WATER AND POWER,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Pendleton, OR.

The subcommittee met, pursuant to notice, at 9 a.m., in the Walla Walla Room, Red Lion Indian Hills, Pendleton, OR, Hon. Mark O. Hatfield, presiding.

OPENING STATEMENT OF HON. MARK O. HATFIELD, U.S. SENATOR FROM OREGON

Senator HATFIELD. Good morning and welcome to this hearing before the Subcommittee on Water and Power of the Senate Committee on Energy and Natural Resources. The purpose of this field hearing is to receive public testimony on S. 1613, the Umatilla Basin Project.

The legislation proposed is a solution to a very delicate problem which has existed over the years between the Confederated Tribes of the Umatilla Indian Reservation and the irrigation districts in the Umatilla River Basin.

The bill is a product of years of effort to develop a pragmatic least-cost approach to meeting the Federal Government's treaty obligations in the basin without devastating the area's valuable agricultural economy.

To me, this legislation represents much more than just a potential solution to a long-standing water resources problem. More importantly, it is a model product of consensus building between parties with divergent interests, a compromise the likes of which I have seen few times in my many years in public life.

Accordingly, I am pleased to be associated with this effort and to be here with you this morning.

Usually, at a hearing, elected public officials are first to testify. However, with your indulgence, I would like to depart from this traditional protocol.

I have asked John Keys, the Regional Director of the Bureau of Reclamation, to appear first and present a brief description of the proposed Umatilla Basin Project, and I think it will be helpful to all of us, and especially to those who later on read the written transcript of these proceedings, if we begin with a factual description of what is proposed.

But before I call the first witness, there are a few housekeeping chores I must take care of.

First, each witness is asked to fill out an address card and give it to the staff upon completion of your testimony or at the end of the hearing.

Second, the hearing record will remain open for two weeks to allow supplemental or additional testimony or materials to be presented.

Correspondence should be addressed to the Committee on Energy and Natural Resources, Room 364, Dirksen Building, Washington, D.C. 20510.

There is a sign-up sheet at the back of the room, also, if you wish to receive a copy of the hearing transcript when it is published.

And, finally, in order to accommodate as many members of the public as possible, I hope that witnesses will summarize their statements in five minutes. And the written version of your statement, in full, will be made a part of the official record.

The text of S. 1613 will appear in the record.

I would now like to invite Mr. John Keys, the Regional Director of the Bureau of Reclamation, to come to the witness table and make his presentation.

[The text of S. 1613 follows:]

100TH CONGRESS
1ST SESSION

S. 1613

To authorize the Secretary of the Interior to construct, operate, and maintain the Umatilla Basin Project, Oregon, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 6 (legislative day, AUGUST 5), 1987

Mr. HATFIELD introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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A BILL

To authorize the Secretary of the Interior to construct, operate, and maintain the Umatilla Basin Project, Oregon, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Umatilla Basin Project Act".

SEC. 2. AUTHORIZATION OF PROJECT.

(a) For purposes of mitigating losses to anadromous fishery resources and continuing water service to the Hermiston, West Extension, Westland, and Stanfield Irrigation Districts, or any other entity which participates in the project water

exchange, the Secretary of the Interior, acting pursuant to the Federal reclamation laws (Act of June 17, 1902, and Acts amendatory thereof and supplementary thereto), is authorized to construct, operate, and maintain the Umatilla Basin Project, Oregon, substantially in accordance with the report of the Secretary. The principal works of the project shall consist of—

(1) pumping plants and related diversion, conveyance, and distribution features;

(2) works incidental to the rehabilitation or modification of existing irrigation systems necessary to accomplish a water exchange;

(3) fish passage and protective facilities and other necessary mitigation measures;

(4) a program to monitor and regulate project operations; and

(5) a program to evaluate fishery resource mitigation measures.

SEC. 3. INTEGRATION AND OPERATION OF PROJECT.

Project facilities and features authorized by this Act shall be integrated and coordinated, from an operational standpoint, into other features of the Umatilla Project, and shall be operated in a manner consistent with Federal reclamation laws and water rights established pursuant to State law including the contract rights of water users. Prior to the

initiation of project construction, the Secretary shall secure the necessary State and local permits and other authorities for the operation of project facilities, and through the conclusion of appropriate agreements with the State of Oregon, the relevant irrigation districts, and the Confederated Tribes of the Umatilla Indian Reservation provide for the monitoring and regulation of project related water supplies for the purposes herein identified.

SEC. 4. POWER FOR PROJECT PUMPING.

The Administrator of the Bonneville Power Administration, in accordance with provisions of the Columbia River Basin Fish and Wildlife Program established pursuant to the Pacific Northwest Electric Power Planning and Conservation Act (94 Stat. 2697), shall provide for project power needed to effect the water exchange with irrigation districts for purposes of mitigating anadromous fishery resources. The cost of power shall be credited to fishery restoration goals of the Columbia River Basin Fish and Wildlife Program.

SEC. 5. RATE FOR CONSTRUCTION CHARGES.

The rate used for computing interest during construction, and where appropriate, interest in the upaid balance of the reimbursable costs of the project shall be determined by the Secretary of the Treasury as of the beginning of the fiscal year in which funds for construction of the project are first disbursed, taking into consideration the computed average

market yields on outstanding marketable obligations of the United States which are neither due nor callable for fifteen years from date of issue.

SEC. 6. FISHERY RESOURCE FACILITIES.

Facilities and any other project features which furnish fishery resource benefits in connection with the project shall be constructed, operated, and maintained in accordance with the Federal Water Project Recreation Act (Public Law 89–72, 79 Stat. 213), as amended, except that costs allocated to the mitigation of anadromous fish species shall be nonreimbursable.

SEC. 7. NON-FEDERAL OBLIGATIONS.

The Secretary shall negotiate and enter into agreements which specify appropriate non-Federal obligations of the operation and maintenance of project facilities authorized in this Act. The Federal responsibility for operation and maintenance shall be limited to those costs in excess of non-Federal obligations as established by such agreements.

SEC. 8. INTERIM FLOW AUGMENTATION.

Until the facilities authorized in this Act are constructed and in operation, and as an interim measure to provide flow augmentation of the Umatilla River for anadromous fishery resources, funds are authorized to be appropriated to the Secretary to provide for interim operation and maintenance of existing pumps or other facilities for the purpose of providing

flow augmentation for anadromous fish, except that pumping power shall be provided in accordance with section 4 of this Act.

SEC. 9. NON-FEDERAL COSTS.

(a) CREDIT FOR NON-FEDERAL FISHERY RESOURCE IMPROVEMENTS.—The Umatilla Basin Project authorized by this Act is a Federal action to improve streamflow and fish passage conditions and shall be considered part of a comprehensive program to restore the Umatilla River basin anadromous fishery resource. Related fishery resource improvement facilities which utilize funding sources under the Pacific Northwest Electric Power Planning and Conservation Act of 1980 (94 Stat. 2697) and programs of the State of Oregon and other entities shall be consolidated in any final calculation of required cost sharing.

(b) TREATMENT OF NON-FEDERAL COSTS INCURRED IN IMPLEMENTING PROJECT FEATURES BEFORE APPROPRIATIONS.—Where a public or private entity shares in the cost of or constructs any feature of the project or portion thereof prior to the appropriation of funds for construction of such feature, the costs incurred shall be credited to the total amount of any cost sharing required for the project. The Secretary is authorized to accept title to facilities appropriate to the project without compensation and thereafter to operate and maintain such facilities.

SEC. 10. CONJUNCTIVE USE OF PUMPING FACILITIES.

When project pumping capacity is available in excess of that needed for fishery resource benefits, such capacity shall be available to lands eligible for service from the irrigation districts that participate in the project authorized in this Act: *Provided,* That such use shall be considered as secondary to the purpose of providing water for fishery resource purposes. Pumping power for this purpose shall be provided from the Federal Columbia River power system at charges applicable to the Federal reclamation projects in the Pacific Northwest, and the cost of power for such pumping shall be borne by irrigation districts receiving the benefit of such water, and the districts shall also bear that portion of the cost of transmitting power from the Federal Columbia River Power System to the project pumping facilities allocated to this use.

SEC. 11. REHABILITATION AND BETTERMENT AUTHORIZATION.

For purposes of encouraging water conservation and improvements to water supply systems of the irrigation districts participating in the project authorized by this Act, such districts shall be eligible to receive financial assistance, as deemed appropriate by the Secretary, under provisions of the Rehabilitation and Betterment Act of October 7, 1949 (73 Stat. 724), as amended.

SEC. 12. LEASE AND PURCHASE OF WATER.

The Secretary is authorized to acquire from willing parties land, water rights, or interests therein for benefit of fishery resources consistent with the purposes of this Act: *Provided,* That acquisition of water rights shall be in accordance with applicable State law. There is hereby authorized to be appropriated such sums as required to accomplish the purposes of this section.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

(a) There is hereby authorized to be appropriated for construction of the Umatilla Basin Project the sum of $42,200,000 (April 1987 prices), plus or minus such amounts as may be required by reasons of changes in the cost of construction work of the types involved therein as shown by applicable engineering cost indexes and exclusive of facilities indicated in section 13(b) of this Act. There are also authorized to be appropriated such sums as may be required for the operation and maintenance of the project, including the monitoring and evaluation of project accomplishments.

(b) Related fish passage and protective facilities that are features of the Columbia River Fish and Wildlife Program established pursuant to the Pacific Northwest Electric Power Planning and Conservation Act (94 Stat. 2697) shall be consolidated into calculations of project costs and benefits: *Pro-*

vided, That the Secretary shall not request an appropriation of funds to construct any facilities which are approved to be or are constructed as part of the Columbia River Basin Fish and Wildlife Program.

STATEMENT OF JOHN KEYS, REGIONAL DIRECTOR, PACIFIC NORTHWEST REGION, BUREAU OF RECLAMATION, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY BOB RILEY, REGIONAL PLANNING OFFICE, BOISE, ID

Mr. KEYS. Good morning. Mr. Hatfield, I'm John Keys, Regional Director of the Bureau of Reclamation's Northwest Region, Pacific Northwest Region.

With me this morning is Bob Riley.

Senator HATFIELD. Could you pull the microphone a little bit closer, Mr. Keys?

Mr. KEYS. Is that okay?

Senator HATFIELD. That's fine.

Mr. KEYS. With me this morning is Bob Riley from our Regional Planning Office in Boise.

After our prepared statement we would certainly try to answer any questions that you might have on the project.

We do certainly appreciate your coming to the Umatilla Basin to conduct this hearing and I'm glad to be able to go through the project, the proposed Umatilla Basin Project with you, to tell you part of the plans that are being considered as part of Senate Bill 1613.

We would like to review for you the efforts that have gone into the development of the Umatilla Project, its elements, its costs, benefits and the accomplishments that have been done so far.

Several years ago, representatives of the Confederated Tribes of the Umatilla Indian Reservation and the State of Oregon appeared before a congressional committee in Washington, D.C. They asked that Reclamation formulate a plan that would help resolve an intensifying conflict over the need for Umatilla River water for irrigation and for salmon and steelhead. The opportunity for cooperation among these groups and local irrigation districts was apparent and Congress directed that the planning be done.

This planning effort has been a cooperative endeavor with the Confederated Tribes, the State of Oregon, irrigation districts, citizens committee, Northwest Power Planning Council, the Bonneville Power Administration, Federal fish and wildlife agencies, the Forest Service, and other interested people. Comments on the plan at a public hearing in 1986 here in Pendleton were very positive.

The Administration has not made recommendations regarding project implementation. Therefore, my comments today are limited to background and technical aspects of the project.

The purpose of the proposed project is to improve streamflow and passage conditions in the Umatilla River to help restore salmon and steelhead runs while continuing to meet irrigation water supply commitments. The project does not address other basin water issues. The project will not abrogate or limit the reserved water rights of the Confederated Tribes of the Umatilla Indian Reservation.

The project is part of a multifaceted program to restore the Umatilla fishery which has been greatly diminished by regional water resource development, including construction of the Federal Umatilla Reclamation project in the early 1900's.

Features of the basinwide program have already been made a part of the Northwest Power Planning Council's Fish and Wildlife Program and are currently being implemented by Bonneville Power Administration under authorities specifically granted by Congress in the past several years.

The Confederated Tribes and the State of Oregon also are participating where they have authority and funding. The Umatilla Basin Project under study would provide the streamflow improvements critical to success of the basinwide program.

Now, I'd like to explain the project, its features and functions.

The key feature of the proposed project is water exchange with the Columbia River on the north boundary of the Umatilla Basin. Irrigators would forego some Umatilla River diversions and have that water replaced from the Columbia River. The exchange would improve Umatilla River flows during periods critical to fish.

Streamflow objectives in the lower 50 miles of the Umatilla River, from McKay Creek to the mouth, are designed to be satisfied by the project as follows: 300 cubic feet per second from October 1 through November 15th and 250 cubic feet per second from November 16th through June 30th, and September 16th to the 30th.

These flow levels were established in cooperation with tribal, State and Federal fishery biologists and agree with the State flow objectives for the Basin.

The project's major water exchange feature is a Columbia River pumping complex consisting of pumps and canals to deliver Columbia River water to existing distribution facilities of the Hermiston and Stanfield Irrigation Districts.

Other water exchange features to be constructed include facilities to exchange water with the West Extension Irrigation District at Three Mile Falls Diversion Dam to improve flows in the lowest reach of the Umatilla River, and a small pumping station on the Umatilla River at Cottonwood Bend to exchange water with Westland Irrigation District.

The exchange water pumped from the Columbia River would average about 39,000 acre-feet per year and range from a low of about 13,000 acre-feet annually to a high of about 74,000 acre-feet, depending on the natural runoff of the basin.

On the average, about 19 million killowatt-hours of power would be needed to operate project pumping facilities. The Northwest Power Planning Council has adopted a measure which calls for Bonneville Power Administration to provide that power as a part of the council's Fish and Wildlife Program. Legislation such as this bill would give Bonneville the authority to provide such power without charge.

In addition to water exchange features, fish passage facilities and screens would be installed at Maxwell, Feed Canal, Westland and Stanfield Diversion Dams and at Furnish Ditch. Construction of a fish barrier would also be undertaken at the mouth of McKay Creek.

Construction of substantially all of the passage and screen facilities was authorized in the 1987 Department of Energy Appropriation Bill and is being funded by Bonneville Power Administration.

The proposed project would include a program to monitor post-construction operations so that streamflows could be fine-tuned to maximize fishery benefits.

A project oversight committee would be formed to provide a forum of communication among irrigators, tribal leaders, State water managers, fish and wildlife experts, and project operators. This group would develop annual fish passage and flow objectives within the project guidelines.

Water regulation and enforcement would be provided in cooperation with the Oregon State watermaster and his office in Pendleton in accordance with State water law and the agreements specific to the Umatilla Basin Project.

Operation and maintenance oversight would be by personnel of Reclamation's Yakima Project office. That staff has experience in managing and operating similar fishery enhancement programs and features in the Yakima River Basin.

Now, let's talk about project accomplishments.

Streamflow and fishway improvements are critical to restoration of natural and hatchery runs of salmon and steelhead. We estimate that the project adult fish returns to the Umatilla River alone would average about 46,000 fish per year.

Together, the project would add an estimated average of 112,000 fish annually to the Columbia River, the Pacific Ocean, and the Umatilla fisheries harvest.

Farmers would benefit from a resolution of the conflict over competing water needs for irrigation and fish. Near record runs of chinook salmon migrated up the Columbia River this past fall. Evidence that the Columbia River fishery restoration is working.

In contrast, Umatilla River fall streamflows needed for fish migration were practically nonexistent. Absent a new water source, irrigation water supplies could be in jeopardy under claims of Indian treaty rights. Over 40,000 acres of cropland could risk loss of water supply.

Now, let's talk about project costs.

The total capital construction cost for the project is approximately $46 million. This includes about $4 million for ladders and screens to be funded by the Bonneville Power Administration.

The annual cost for construction is $4,076,000; for operation, maintenance and replacement, $238,000; power, $673,000; and the wheeling for that power, $172,000; for a total annual cost of $5,159,000.

Benefits from the project to the anadromous fishery, $7,760,000; to the resident fishery, $79,000; and to the unemployed labor resources in the area, $316,000; for total benefits of $8,155,000.

Project monetary benefits compared to annual project costs result in a benefit-cost ratio of 1.6 to 1.

Now, let's talk about the development schedule.

The total project would take about five and-a-half years to design and construct under an optimum construction schedule, following authorization and with adequate appropriations.

However, the project could be phase developed. Construction of facilities to exchange water with the West Extension Irrigation District at Three Mile Falls Diversion Dam would be a productive first

phase. That exchange would improve streamflows from the Columbia River to the diversion dam.

In combination with the new fish passage facilities being built at the dam and recent channel work, this would enable fish to return at least to Three Mile Falls Diversion Dam for harvest or transport to other areas.

First phase facilities would cost about $7 million and could be in place within two years after authorization. First phase operation and maintenance costs would be about $15,000, and pumping power costs would be about $44,000.

It should be noted that fish and wildlife facilities constructed under the Pacific Northwest Electric Power Planning and Conservation Act of 1980 are considered in the calculation of project benefits and costs.

In talking about cost sharing, the Administration has not yet developed a position on the appropriate level of non-Federal cost sharing for the proposed project.

Local interests at this time are investing in the Umatilla Basin fishery restoration programs. Among these activities are $21 million of fishery facilities that have been included in the Fish and Wildlife Program of the Northwest Power Planning Council. To date, $7 million has been expended, and additional projects totaling $8 million are in the final design stage. These activities are being funded by regional ratepayers through Bonneville Power Administration.

The Oregon Department of Fish and Wildlife has funded hatchery outplantings valued at about $200,000 a year.

Irrigators are helping to fund fish monitoring programs and participating in planning studies.

The State of Oregon has funded activities of the Umatilla Basin Project citizens steering committee to aid in resolving critical water conflicts.

And the Confederated Tribes continue to provide technical staff support and have participated in all phases of the planning effort.

Mr. Hatfield, that concludes our formal testimony. Mr. Riley and I and our other staff that's here with us this morning would be happy to try and answer any questions you or your people may have.

[The prepared statement of Mr. Keys follows:]

STATEMENT OF JOHN KEYS, REGIONAL DIRECTOR
PACIFIC NORTHWEST REGION, BUREAU OF RECLAMATION
REGARDING S. 1613 TO AUTHORIZE THE SECRETARY OF THE INTERIOR
TO CONSTRUCT, OPERATE, AND MAINTAIN
THE UMATILLA BASIN PROJECT, OREGON
FEBRUARY 8, 1988

I am John Keys, Regional Director for the Bureau of Reclamation's Pacific Northwest Region. I appreciate the opportunity to comment on the proposed Umatilla Basin Project being considered for construction authorization in S. 1613.

Background

Representatives of the Confederated Tribes of the Umatilla Indian Reservation and the State of Oregon appeared before a congressional committee in Washington, DC, a few years ago. They asked that Reclamation formulate a plan that would help resolve an intensifying conflict over need for Umatilla River water for irrigation and for salmon and steelhead. The opportunity for cooperation among these groups and local irrigation districts was apparent, and Congress directed that the planning be done.

This planning effort has been a cooperative endeavor with the Confederated Tribes, State, irrigation districts, citizens committee, Northwest Power Planning Council, Bonneville Power Administration, Federal fish and wildlife agencies, Forest Service, and others. Comments on the plan at a public hearing in Pendleton were very positive.

The Administration has not made recommendations regarding project implementation. Therefore, my comments today are limited to background and technical aspects of the project.

The purpose of the proposed project is to improve streamflow and passage conditions in the Umatilla River to help restore salmon and steelhead runs while continuing to meet irrigation water supply commitments. The project does not address other basin water issues. The project will not abrogate or limit the reserved water rights of the Confederated Tribes of the Umatilla Indian Reservation.

The project is part of a multifaceted program to restore the Umatilla fishery which has been greatly diminished by regional resource development, including construction of the Federal Umatilla Reclamation project in the early 1900's. Features of the basinwide program have already been made a part of the Northwest Power Planning Council's Fish and Wildlife Program and are currently being implemented by Bonneville Power Administration under authorities specifically granted by Congress in the past several years. The Confederated Tribes and the State also are participating where they have authority and funding. The Umatilla basin project under study would provide the streamflow improvements critical to success of the basinwide program.

Umatilla Basin Project Planning

The key feature of the proposed project is a water exchange with the Columbia River on the north boundary of the Umatilla basin. Irrigators would forego some Umatilla River diversions and have that water replaced from the Columbia River. The exchange would improve Umatilla River flows during periods critical to fish.

Plan Features

°Streamflow objectives in the lower 50 miles of the Umatilla River (from McKay Creek downstream) designed to be satisfied by the project are:

300 cfs from October 1 through November 15
250 cfs from November 16 through June 30 and September 16-30

These flow levels were established in cooperation with tribal, State, and Federal biologists and agree with State flow objectives for the basin.

°The project's major water exchange feature is a Columbia River pumping complex consisting of pumps and canals to deliver Columbia River water to existing distribution facilities of the Hermiston and Stanfield Irrigation Districts.

°Other water exchange features to be constructed include:

--Facilities to exchange water (up to 140 cfs) with the West Extension Irrigation District at Three Mile Falls Diversion Dam to improve flows in the lowest reach of the Umatilla River, and

--A small pumping station on the Umatilla River at Cottonwood Bend (river-mile 13) to exchange water (30 cfs) with Westland Irrigation District

°The exchange water supply pumped from the Columbia River would average about 39,000 acre-feet annually and range from a low of about 13,000 acre-feet to a high of about 74,000 acre-feet depending on natural runoff conditions in the basin. On the average, about 19 million kilowatt-hours of power would be needed to operate project pumping facilities. The Northwest Power Planning Council has adopted a measure which calls for Bonneville Power Administration to provide that power as a part of the council's Fish and Wildlife Program. Legislation such as this bill would give Bonneville authority to provide such power without charge.

°In addition to water exchange facilities, fish passage facilities and screens would be installed at Maxwell, Feed Canal, Westland, and Stanfield Diversion Dams and Furnish Ditch, and a fish barrier would be placed at the mouth of McKay Creek. Construction of substantially all of the passage and screen facilities was authorized in the 1987 Department of Energy Appropriation Bill and is being funded by the Bonneville Power Administration.

°The proposed project would include a program to monitor postconstruction operations so that streamflows could be "fine tuned" to maximize fishery benefits.

°A project oversight committee would be formed to provide a forum of communication among irrigators, tribal leaders, State water managers, fish and wildlife experts, and project operators. This group would develop annual fish passage and flow objectives within project guidelines. Water regulation and enforcement would be provided in cooperation with the Oregon State watermaster office in Pendleton in accordance with State water law and the agreements specific to the Umatilla Basin Project.

°Operation and maintenance oversight would be by personnel of Reclamation's Yakima Project office. That staff has experience in managing and operating similar fishery enhancement programs and facilities in the Yakima River basin.

Proposed Project Accomplishments

°Streamflow and fishway improvements are critical to restoration of natural and hatchery runs of salmon and steelhead. Reclamation estimates that with the project, adult fish returns to the Umatilla River alone would average 46,000 fish. All together, the project would add an estimated average of 112,000 fish annually to the Columbia River, Pacific Ocean, and Umatilla River fisheries harvest.

°Farmers would benefit from a resolution of the conflict over competing water needs for irrigation and fish. Near record runs of chinook salmon migrated up the Columbia River this past fall--evidence that Columbia River fishery restoration is working. In contrast, Umatilla River fall streamflows needed for fish migration were practically nonexistent. Absent a new water source, irrigation water supplies could be in jeopardy under claims of Indian treaty rights. Over 40,000 acres of cropland could risk loss of water supply.

Project Cost Estimate

Construction (4/87)	$46,000,000	(Includes about $4 million for ladders and screens to be funded by the Bonneville Power Administration)

Project Costs (annual)

Construction	$ 4,076,000	
Operation, maintenance, and replacement	$ 238,000	
Power	$ 673,000	(Includes power for pumping plants--$421,000 at 22.2 mills, a value of power generation foregone at downstream powerplants--$28,600, and economic value of replacing power from another source--$223,400)
Power wheeling	$ 172,000	
Total annual costs	$ 5,159,000	

Project Benefits (annual)

Anadromous fish	$ 7,760,000	(Sport fishing and commercial value)
Resident fish	$ 79,000	
Benefits to unemployed labor resources	$ 316,000	
Total annual benefits	$ 8,155,000	

*Project monetary benefits ($8,155,000 annually) compared to annual project costs ($5,159,000) results in a benefit-cost ratio of 1.6 to 1.0.

*About 5-1/2 years would be needed to design and construct all project facilities under an optimum construction schedule, following authorization and with adequate appropriations. However, the project can be phase developed. Construction of facilities to exchange water with the West Extension Irrigation District at Three Mile Falls Diversion Dam would be a productive first phase. That exchange would improve streamflows from the Columbia River to the diversion dam. In combination with the new fish passage facilities being built at the dam and recent channel work, this would enable fish to return at least to Three Mile Falls Diversion Dam for harvest or transport to other areas. First phase facilities would cost about $7 million and could be in place within 2 years after authorization. First phase operation and maintenance costs would be about $15,000 annually, and pumping power costs would be about $44,000 (2 million kilowatt-hours at 22.2 mills).

It should be noted that fish and wildlife facilities constructed under the Pacific Northwest Electric Power Planning and Conservation Act of 1980 are considered in the calculation of project benefits and costs.

Cost Sharing

The Administration has not yet developed a position on the appropriate level of non-Federal cost sharing for the proposed project.

Local Activities

Local interests at this time are investing in Umatilla basin fishery restoration programs. Among these activities are:

*$21 million of fishery facilities that have been included in the Fish and Wildlife Program of the Northwest Power Planning Council. To date, $7 million has been expended, and additional projects totaling $8 million are in the final design stage. These activities are being funded by regional ratepayers through Bonneville Power Administration.

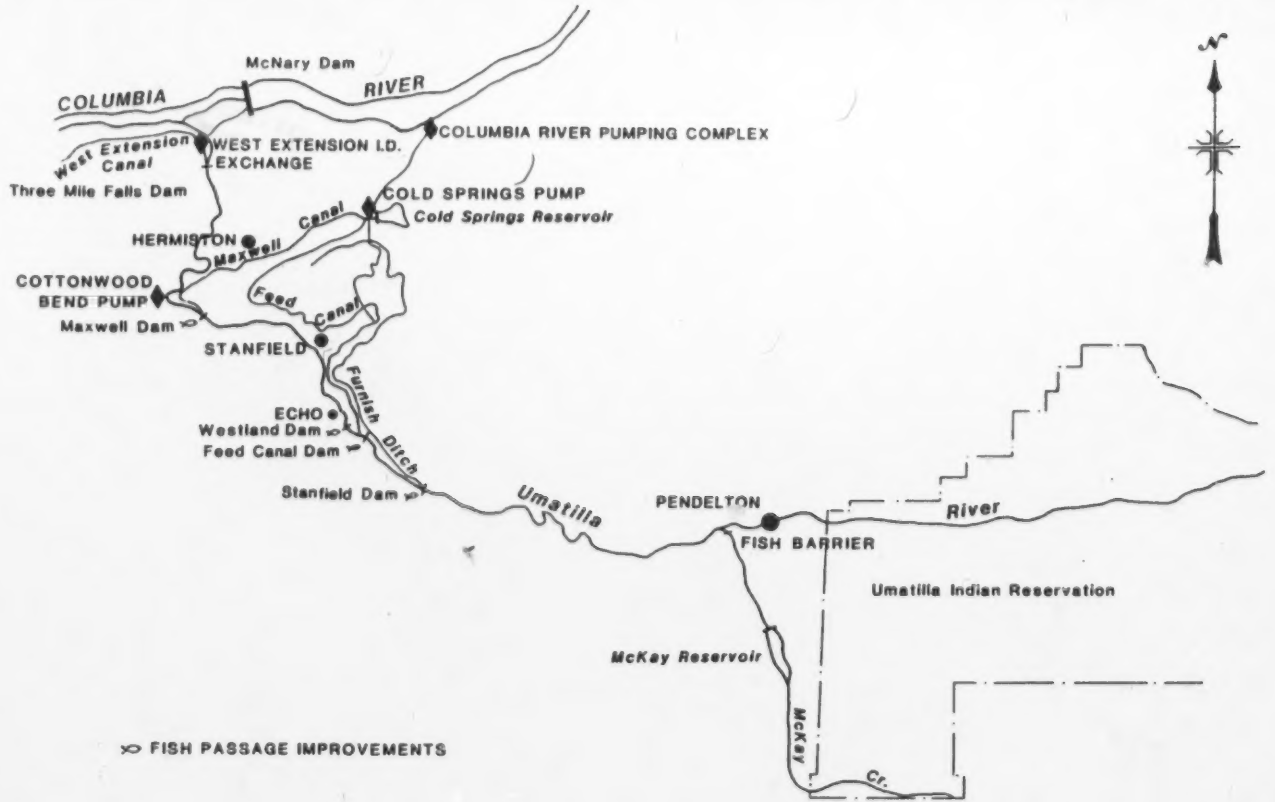
*The Oregon Department of Fish and Wildlife has funded hatchery outplantings valued at about $200,000 a year.

•Irrigators are helping to fund fish monitoring programs and participating in planning studies.

•The State of Oregon has funded activities of the Umatilla Basin Project citizens steering committee to aid in resolving critical water conflicts.

Conclusion

This concludes my testimony. I will be pleased to answer any questions you may have.



UMATILLA BASIN PROJECT

FEATURES AND FACILITIES

Senator HATFIELD. Thank you, Mr. Keys. And you will be with us the rest of the morning in case we need to refer to you?

Mr. KEYS. Yes, sir.

Senator HATFIELD. Thank you for an excellent summary. We appreciate it very much, and especially the visual aids.

At this time, representing the Honorable Neil Goldschmidt, Governor of the State of Oregon, Mr. Bill Blosser, Chairman of the Water Resources Commission, will present testimony on behalf of the Governor.

Welcome.

STATEMENT OF HON. NEIL GOLDSCHMIDT, GOVERNOR, STATE OF OREGON, AS PRESENTED BY WILLIAM R. BLOSSER, CHAIRMAN, OREGON WATER RESOURCES COMMISSION

Mr. BLOSSER. Thank you. Senator Hatfield, I would like to express Governor Goldschmidt's appreciation for this opportunity and his apologies for not being here personally, I will read his statement.

As you well know, the State of Oregon strongly urges the Congress to authorize the Umatilla Basin Project. The State has supported the ongoing work on the Umatilla Basin Project for two administrations. This is, indeed, our top priority water project in Oregon. We now need to take the concrete steps of funding the solution all of us have worked so hard to reach.

The Confederated Tribes of the Umatilla Basin were promised continued rights to fishing in their treaty with the United States of 1855. Construction of the original reclamation project in the Basin nearly eliminated salmon and steelhead fisheries. This new project will go a long way toward correcting over 70 years of failure to meet those national treaty obligations. Developing this project may avoid the contentious legal issues of unquantified reserved water rights, also known as winter rights.

The restoration of anadromous fisheries is of tremendous importance to the entire Northwest. State agencies have worked with the Northwest Planning Council to develop a strategy for mitigating the immense impact that the Columbia River power development has had on fish resources. Fishery benefits from the Umatilla Project can be a major part of that program. It is an investment that our citizens fully support.

In spite of the emphasis on fisheries, it is equally important to recognize and support the valuable irrigation community in the Umatilla Basin. The economy of the Umatilla Basin depends on irrigated agriculture which benefits from the current federal reclamation projects. Umatilla County is a leading producer of many Oregon crops. Preserving this rich agricultural land base is also essential to the state.

Years of effort to develop an equitable and least-cost solution to the competing water demands have resulted in a proposal that can meet both tribal and agricultural needs. The proposal is fully consistent with the new direction of the Bureau of Reclamation to develop smaller scale, management-oriented solutions. I believe the project is not only economically justified, but socially and morally essential. I urge Congress to authorize and fund the Umatilla Basin Project. State and local participants have done everything we can to prepare for this final federal action. We urge you to act promptly.

We appreciate your leadership in introducing the authorizing legislation and look forward to working further with you on this. Please let me know how we can assist you further.

Senator HATFIELD. You wish to add some remarks of your own?

Mr. BLOSSER. Senator Hatfield, if I may, I won't add my remarks verbally, but I would like to hand in the letter that I prepared as Chairman of the Water Resources Commission, which echoes many of the sentiments of Governor Goldschmidt, and I will just leave that with the staff. Thank you.

[The prepared statement of Mr. Blosser follows:]

NEIL GOLDSCHMIDT
GOVERNOR

Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310 PHONE 378-3671

February 5, 1988

Senate Committee on Energy and Environment
Subcommittee on Water and Power

Honorable Senators:

Subject: S. 1613 Legislation for authorizing the Umatilla Project, OR

Thank you for the opportunity to share directly with you the strong support of the Water Resources Commission for the funding of the Umatilla Basin Project.

Water resource conditions in the Umatilla basin are of concern across the state because there is so much at stake. The Federal Government has made conflicting obligations to the Indian Nation and farmers. The state has allocated water beyond the ability of the system to support basic values. Farmers and communities have made investments to develop water supplies for economic return that is their livelihood. Indian tribes have worked through the system to make the dream of restoring fish runs a reality. We recognize that everyone shares in the solution.

For our part the Water Resources Commission has taken the following actions in support of the planning and now implementation of the project.

December 2, 1985, we established state minimum streamflows at levels deemed necessary to support the fishery restoration objectives of the Confederated Tribes of the Umatilla Reservation. That action protected remaining unappropriated instream flows and set a goal for future water management. At the same time the Commission halted further appropriation of surface water to maintain supplies during continued planning for the Bureau of Reclamation project.

In December 1985, the commission directed the Water Resources Department to schedule its next basin planning effort in the Umatilla Basin to further resolve water allocation issues and support the effort of the local steering committee to build a consensus for resolving the needs for competing agricultural and instream uses.

The Commission supported legislation in the 1987 State Legislature that provided certainty in the water law for implementing the needed exchanges of water.

Commissioners view the implementation of the pumping project and exchange as one of the top priority water needs in the state. The drought conditions in the state have further highlighted the immediate need for the action. We do not want to lose the spirit of cooperation and communication that currently exists. We also want to protect the investments already made in fish restoration work. Failure to act could jeopardize both.

Sincerely,

William R. Blosser, Chair
Oregon Water Resources Commission

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Senator HATFIELD. Mr. Blosser, we are happy to receive your remarks as well and thank you for presenting the Governor's remarks.

I'd like to invite the Honorable Mike Thorne, who is the Senator from this area in the Oregon State Senate, long-time leader.

STATEMENT OF HON. MIKE THORNE, OREGON STATE SENATOR

Senator THORNE. Good morning.

Senator HATFIELD. Good to have you here this morning.

Senator THORNE. Thank you very much.

For the record, I'm State Senator Mike Thorne. I represent the Umatilla, Wallowa and Union County in the Oregon legislature. I reside 16 miles northwest of Pendleton and am currently Chairman of the Ways and Means Committee.

Senator Hatfield, I have provided you with a copy of my prepared remarks. I intend to only summarize those briefly here this morning.

Two points, I think, are essential, or at least two points that I would like to make, the first being the fact that since the project was conceived, the Oregon legislature has taken an active part in providing support wherever possible.

We've provided the staff support for the planning committee and we've been able to provide, with limited funds, the support for water enhancement projects throughout the state of Oregon.

The second point, and probably most critical, is the fact that this project represents an opportunity for us to make choices between limited natural resources.

For the first time that I can recall, we have a chance in the Umatilla Basin Project to address the question of—that lingers for all of us, in, how do we deal with the fact that, on the one hand, we have an excess of resource in the Columbia River and, on the other hand, in the Umatilla Basin we're fighting a shortage.

I think that economists would call the project one of cost avoidance when we apply the principle of being able to avoid what could well be a long-term dispute over those limited resources and, therefore, in addition to the benefits that you were provided in the briefing this morning by the staff of the department presenting the briefing, I think it's important for us to realize that there's one other element and that's the benefit that accrues to the public when we can agree to agree and avoid a costly dispute.

So, again, Senator, I appreciate the chance to make a brief comment and, in addition, call your attention to the prepared comments that have been provided.

If there are questions, I would be happy to respond.

In closing, I want to reaffirm the fact that the State of Oregon will be and continue to be an active participant throughout the project in whatever form it can be. Thank you very much.

[The prepared statement of Senator Thorne follows:]

UMATILLA BASIN PROJECT
Field Hearing Pendleton
Feb. 8, 1988

Senator Hatfield, please accept my appreciation for your holding this hearing and the interest you've shown in the Umatilla Basin Project. For the record I'm State Senator Mike Thorne, I represent Umatilla, Union and Wallowa Counties in the Oregon legislature. I reside 16 miles NW of Pendleton.

If I do nothing else in my brief comments I hope to point out two major aspects of the Project. First, an extremely co-operative atmosphere has prevailed throughout the planning stages. Second, the Project represents a unique opportunity to avoid costly and utterly useless arguments and potential litigation over limited natural resourses.

The Oregon legislature has provided funding for part time office staff and administrative support since the beginning of the Project.

During the 1987 session several major pieces of legislation were adopted which included funding for watershed enhancements projects under the supervision of a newly created policy board. The new boards' purpose is to include in the decision making process an opportunity for all user groups to particpate. The goal is to improve water quality and quantity by better management of the riparian and upland zones. This is a symbol of our commitment to wise natural resourse management, and patterned after a highly succesful project conducted last biennium in the John Day basin.

A special appropriation is set aside in our Emergency Fund for a watershed project in the Umatilla and Summer Lake-Goose Lake basin to be completed in the current biennium.

The point is simple. Because of extreme cooperation between a diversity of interest and user groups, the State of Oregon is able to provide limited financial resources to help improve our valuable natural resoures.

The second point is probably the most critical.

The Umatilla Basin Project is not--I repeat--is not another on a long wish list of Federal projects that calls for questionable expenditures of limited public funds. Rather it represents an unusual opportunity for us to create something that literlly drives to a solution that heretofore has escaped us all. That being----how to divide the use of a limited natural resource in the face of public dispute over whose rights are superior. How great it would be if

for once we could find a solution without the directive of a Federal judge.

As a result of your support and interest to date you have given us all a moment to review the costs and the benefits of the Project. And for that I'm very thankful.

The Public sector will be called upon to provide funding to be measured against benefit standards as provided by law. It appears to me there is an additional standard that you and I can holdforth to our collegues, and that is the value or benefit of a dispute avoided. Economist would call it Cost Avoidance, and put a numerial value on it. I think that principal should apply in this case.

The Private sector will be called upon to provide funding also. For their efforts the benefits will include the availibility for beneficial use of a resource that is in limited supply on the on hand but in excess on the other.

All other user groups and interest accure the benefits properly applied to the broad subject of Natural Resource Enhancment. Improved stream flow means more fish, more water for irrigation, more instream value, and more pollution abatement.

To all sectors and potentially the greatest benefit is that which happen when people with differing purposes agree to agree. The cost of not doing so is virtually unmeasurable.

Thank you for this opportunity and if you have questions I'd more than happy to respond.

Senator HATFIELD. Thank you, Senator.

We do appreciate your presence here this morning in giving support to this project. It does mean a great deal to me personally and to the cause that this project represents. Thank you.

Senator THORNE. Thank you.

Senator HATFIELD. The Honorable Charles Norris, Member of the House of Representatives representing District 57.

STATEMENT OF HON. CHARLES NORRIS, OREGON STATE REPRESENTATIVE

Mr. NORRIS. Good morning, Senator.

Senator HATFIELD. How are you? Welcome.

Mr. NORRIS. Thank you, Senator Hatfield.

Today I appear before you both as a private citizen who's spent two years with the Umatilla Basin Project Steering Committee and as a State Representative from District 57.

That district includes most of the population of Umatilla County, the lower reaches of the Umatilla River to its mouth, and most of the irrigated farmland dependent upon the waters of the Umatilla Basin.

You are familiar with the general purpose and the physical characteristics of the badly needed Umatilla Project, and you have heard or will hear in detail the benefits which will flow from the construction and operation of the project.

You are aware of the extraordinary cooperation among interests who are inherently competitive in their respective priorities for the use of the Basin's water, and your opening remarks certainly demonstrated that, and the amount of the turnout here today certainly speaks to the wide range of interest in this project.

Let me add to those quintessential elements of the Umatilla Basin Project the imprimatur of the 64th Assembly of the Oregon State Legislature via the passage of House Bill 3312.

Early in the 1987 session of the legislature Mr. Akins called to my attention the hitherto unintended omission in Oregon law to permit an exchange of water from other than their designated points of diversion between holders of water rights or permits.

The issue had apparently been raised by the Bonneville Power Administration as a potential barrier to the project, the essence of which is just such an exchange.

To correct this matter and with the help of several, I was the chief sponsor of House Bill 3312, now Oregon law's 1987 Chapter 815, and a copy is attached for your reference.

The bill was passed with only one nay in the Senate and none in the House. It was openly presented as a key prerequisite to the Umatilla Basin Project and its overwhelming approval was a ringing endorsement of that project.

Senator, I appreciate the time and effort of you and the committee staff to make possible this hearing in the community to which the Umatilla Basin Project is so crucial. I also appreciate the opportunity to appear before you and urge your early and favorable presentation for full authorization and appropriation to the Senate of the United States.

We thank you.

Senator HATFIELD. Thank you, Representative Norris, and thank you for taking the leadership in the House of Representatives here in Oregon.

Mr. NORRIS. I had a lot of help and I appreciate that.

Senator HATFIELD. I'm sure you did. Thank you.

Now, at this time I'd like to invite local political leaders, mayors and other county officials.

The Honorable Joe McLaughlin, Mayor of Pendleton; the Honorable William Neuffer, Mayor of Hermiston; the Honorable Doug Clement, Mayor of Echo; the Honorable Frank Alvarez, Mayor of Stanfield; Commissioner Bill Hansell of Umatilla County; and Mr. Ron Stroble, Secretary of the Port of Umatilla.

And if two of you gentlemen will bring chairs with you—There they are. We have chairs sufficient.

Mr. Mayor, since you're the home mayor, hometown mayor where we're holding this hearing, I'm going to let you orchestrate the sequence of those in this panel, the first panel that we are hearing from, and I'm happy to welcome each of you gentlemen to this hearing this morning.

STATEMENT OF HON. JOE McLAUGHLIN, MAYOR, PENDLETON, OR

Mr. MCLAUGHLIN. Good morning. It's always a pleasure to have you in the Round-Up city.

Senator HATFIELD. Thank you, Joe. It's nice to be here.

Mr. MCLAUGHLIN. Resolution 1523.

Whereas, the Umatilla River and its tributaries are important to the life and economy of the people living in the Umatilla Basin; and

Whereas, as a result of past actions, there is not enough water in the Umatilla Basin to provide for the needs of all users of the Basin; and

Whereas, both multiple use of the Umatilla River and its tributaries is important to the people and economy of the Umatilla Basin; and

Whereas, the Bureau of Reclamation has investigated possible solutions to the conflict in water users; and

Whereas, positive steps have been made by the Bonneville Power Administration as a result of the Northwest Power Planning Council objectives; and

Whereas, during the critical months of May, June, September and October the waterflows of the Umatilla River Basin are lower than necessary to provide adequate water for all users, including fish runs; and

Whereas, the Bureau of Reclamation plan has been approved by all parties who use the Umatilla Basin; and

Whereas, the Bureau of Reclamation plan, which has been approved by all affected parties is a water exchange project by which water from the Columbia River would be supplied to three irrigation districts which, in return, would give up part of their legal rights to upstream storage and natural flows of the Umatilla River; and

Whereas, the project can be phased with the first phase being the small pumping station near the mouth of the Umatilla River, estimated to cost 7 million, which would solve the fish passage problems at Three Mile Dam, the most critical barrier, the West Extension Irrigation District, would use this pumped water and would leave in the river part of what it currently withdraws; and

Whereas, the second phase will provide a larger pumping and canal complex estimated to cost 36 million that would lift water to Cold Springs Reservoir from where it would be distributed to Hermiston and Stanfield Irrigation Districts, which, in turn, would leave in the Umatilla River part of the natural flow they now divert, and Stanfield would give up its storage rights to McKay Reservoir, which would be used to retain the streamflow;

Now, therefore, the City of Pendleton resolves as follows: That the Pendleton City Council hereby supports the Bureau of Reclamation Umatilla Basin Project passed

by the vote of Council Members present and approved by the Mayor this 2nd day of February, 1988. Thank you.

Senator HATFIELD. Thank you, Mr. Mayor.

Mr. Mayor, move that mike wherever you want to move it. I'm going to let you decide that.

STATEMENT OF HON. FRANK ALVAREZ, MAYOR, STANFIELD, OR

Mr. ALVAREZ. Senator Hatfield, my name is Frank Alvarez and I'm the Stanfield Mayor. I've got a resolution here I'd like to read.

A resolution supporting the Umatilla Basin Project.

Whereas, the United States Government has promised to protect hunting and fishing rights of the Confederated Tribes of Umatilla; and

Whereas, Umatilla River water needed to protect those rights has been diverted to provide irrigation water; and

Whereas, it appears that an equitable balance between Indian rights and irrigation needs can be maintained by using Columbia River water for irrigation purposes;

Now, therefore, be it resolved that the City of Stanfield strongly supports the goals of the Umatilla Basin Project: use of Columbia River water for irrigation purposes and increased streamflow in the Umatilla River to enhance fish runs.

Adopted by the Common Council of the City of Stanfield this 2nd day of February, 1988.

I thank you very much for allowing me to be here.

Senator HATFIELD. I thank you, Mayor. Nice to see you.

STATEMENT OF HON. DOUG CLEMENT, MAYOR, ECHO, OR

Mr. CLEMENT. Senator Hatfield, my name is Doug Clement. I'm the Mayor of Echo and I'd like to read a resolution stating the City of Echo's endorsement of the Umatilla Basin Project.

Whereas, the Echo area has been suffering from stress due to the declining water table in the area's acquifer which has made it necessary for the city to lower the bowls in its domestic well and restrict residential irrigation;

Whereas, the Echo area economy is agriculture based and the local agriculture is dependent upon available irrigation;

Whereas, the Echo area is developing an economy based upon tourism and our scenic and historic assets;

Therefore, the Umatilla Basin Project is important to our community and agricultural area as it will stabilize and guarantee a steady source of irrigation water, possibly remove the stress from the area water table and develop a minimum Umatilla River streamflow for recreational and fishery purposes;

Therefore, the Common Council of the City of Echo does hereby adopt this resolution for the endorsement of the Umatilla Basin Project.

Approved and signed this 4th day of February, 1988.

Thank you very much.

Senator HATFIELD. Thank you, Mayor.

STATEMENT OF HON. WILLIAM E. NEUFFER, MAYOR, HERMISTON, OR

Mr. NEUFFER. Senator Hatfield, I'm William Neuffer, Mayor of the City of Hermiston.

The City of Hermiston hereby submits Resolution 1158 supporting the Umatilla Basin Project.

The City Council and I enthusiastically support this concept since it tends to resolve many of the problems which competing users of river water must now contend for.

We are always glad to have you come to Eastern Oregon.

Senator HATFIELD. Thank you.

Mr. NEUFFER. Resolution 1158, the City of Hermiston, Umatilla Basin Project.

Whereas, the City of Hermiston is in the center of the Umatilla Basin and concerned with the improvement of the recreational, agricultural and fish and wildlife benefits offered by the river; and

Whereas, the City recognizes the direct and indirect benefits resulting from the continued enhancement of fish and wildlife and irrigation development as a consequence of improved storage and pumping systems; and

Whereas, the Umatilla Basin Project offers a plan to resolve some of the conflicts among the interests competing for a limited water supply;

It is hereby resolved that the City of Hermiston go on record as supporting the concepts of the Umatilla Basin Project and directing the Mayor to appear at the hearing to be held by Senator Hatfield on February the 8th to submit this resolution and his personal comments on behalf of the City of Hermiston.

Passed by the Common Council this 25th day of January, 1988. Approved by the Mayor the 25th day of January, 1988.

Senator, we are glad you are here, because we face some tough problems about water.

Irrigation water has been the life blood of Hermiston. In the early years the town itself developed as a farm community. Flood irrigation produced pasture, hay and Hermiston watermelon.

Now we have sophisticated growing, processing and national distribution of farm commodities employing hundreds of people with water still at our foundation.

Competition is increasing for the fixed volume of water. Indian claims are competing more insistently for fish passage and should be given fair treatment.

Oregon people are outdoor people, so recreation continues to expand and develop, especially near the water.

It is a sum—it is a zero sum game and storage and distribution systems are not keeping up.

We must have a reliable water supply, so we support the Umatilla Basin Project. Thank you,

Senator HATFIELD. Thank you, Mr. Mayor.

Commissioner.

STATEMENT OF BILL HANSELL, COMMISSIONER, UMATILLA COUNTY

Mr. HANSELL. Senator, my name is Bill Hansell. I am representing Umatilla County as one of the three Umatilla County Commissioners.

Almost all of the Umatilla River Basin is in Umatilla County. The County exercises jurisdiction over the majority of the river's course. We wholeheartedly endorse the Umatilla Basin Project. It will be one of the most important projects that will come to this area. The potential is staggering.

As evidence of Umatilla County's support, the attached resolution was unanimously passed at our February 3rd, 1988 board meeting.

As a Commissioner, I am deeply concerned about the County's economy. Umatilla ranks third among the 36 Oregon counties in agricultural income. Agriculture is vital to our economy and the irrigated agriculture of western Umatilla County is to a large degree dependent upon the Umatilla River.

This proposed project not only enhances the fish runs, but protects the agriculture industry that has been built up over the years to be among Oregon's most productive. Without the water, we would have very little. The Basin Project addresses and answers those concerns and we support it.

All of the involved parties have worked long and hard in a spirit of cooperation to hammer out the details. If ever there was a project with strong local support from all the affected interest groups and jurisdictions, the Umatilla Basin Project is it.

Umatilla County supports the project 100 percent and strongly urges Congress to pass Senate Bill 1613. It would be one of the most significant, longlasting undertakings in the history of our county. Umatilla County stands ready to assist this noble venture in any way we can.

[Attachment to Mr. Hansell's statement follows:]

Board of County Commissioners

Umatilla County, Oregon

In the matter of a Resolution in)
Support of the Umatilla Basin Project) Order No. _____

Whereas, the Umatilla River and its tributaries are important to the life and economy of the people living in the Umatilla Basin; and

Whereas, as a result of past actions by the governments of the United States, the State of Oregon, and their subdivisions; there is not enough water in the Umatilla Basin to provide for the needs of all users of the basin; and

Whereas, water of the Umatilla Basin is a major source of water for irrigation of agricultural crops in Umatilla County; and

Whereas, water of the Umatilla Basin serves domestic purposes directly through municipalities and water districts and indirectly through recharging ground water sources; and

Whereas, water of the Umatilla Basin provides a recreational resource to residents and visitors to Umatilla County; and

Whereas, the U.S. Government has treaty obligations to the Confederated Tribes of the Umatilla Reservation in Oregon to maintain fish runs in the rivers of the Umatilla Basin; and

Whereas, the U.S. Bureau of Reclamation has been investigating possible solutions to the conflict, in water uses; and

Whereas, positive steps have been made by he Bonneville Power Administration as a result of the objectives of the Northwest Power Planning Council; and

Whereas, during the critical months of May, June, September, and October, the water flows in the Umatilla River Basin are lower than necessary to provide adequate water for all users, including fish runs; and

Whereas, the U.S. Bureau of Reclamation plan has been approved by all parties using the Umatilla Basin; and

Whereas, the Umatilla Basin Project has been the result of unprecedented cooperation between the Confederated Tribes of the Umatilla Reservation in Oregon, local irrigation districts, the State of Oregon, the U.S. Government, and their subdivisions; and

Whereas, the U.S. Bureau of Reclamation plan has been approved by all affected parties, is a water exchange project by which water from the Columbia River would be supplied to three irrigation districts which, in return, would give up part of

their legal rights to upstream storage and natural flows in the Umatilla River; and

Whereas, the project can built in phases, with the first phase being a small pumping station near the mouth of the Umatilla River, estimated to cost $7 million, which would solve the fish passage problems at Three Mile Dam, the most critical barrier to fish passage, and the West Extension Irrigation District would use this pumped water and would leave in the river part of the water that it currently withdraws; and

Whereas; a second phase of the project would provide a larger pumping and canal complex, estimated to cost $36 million, that would lift water to Cold Springs Reservoir from which it would be distributed to the Hermiston and Stanfield Irrigation Districts which, in turn, would leave in the Umatilla River part of the natural flow which they now divert, and The Stanfield Irrigation District would give up its storage rights in the McKay Reservoir which would be used to maintain stream flows in the Umatilla River and its tributaries.

NOW, THEREFORE, The Umatilla County Board of County Commissioners Resolves as Follows:

That the Umatilla County, Oregon, Board of County Commissioners supports the UMATILLA BASIN PROJECT proposed by the U.S. Bureau of Reclamation.

February 3, 1988

Umatilla County Board of County Commissioners, by

Chairman

Commissioner

Commissioner

Attest

J. Dean Fouquette, Sr
County Clerk

Order No ____

Senator HATFIELD. Thank you, Commissioner. And the entire resolution as you have attached to your formal statement will be incorporated in the record.

Mr. Mayor, Joe, you had a document attached to your statement.

Mr. MCLAUGHLIN. Yes.

Senator HATFIELD. Would you like to have that full document, as well, placed in the record?

Mr. MCLAUGHLIN. It wouldn't hurt.

Senator HATFIELD. All right. We will do so.

And, then, is Mr. Ron Stroble present? If not, we may hear from him later.

Gentlemen, thank you very much for your presence here this morning.

Now I'd like to invite Mr. Elwood Patawa, Chairman of the Board of Trustees of the Confederated Tribes of the Umatilla Indian Reservation, and Mr. Bob O'Rourke, attorney at law, representing Stanfield, Westland, West Extension, Hermiston Irrigation Districts.

If they will come to the table, we will hear from Panel II.

I want to commend all the witnesses for keeping to the side of brevity so that we could hear everyone today, and at the same time include their full thoughts and ideas as part of the official record.

Mr. Chairman.

STATEMENT OF ELWOOD PATAWA, CHAIRMAN OF THE BOARD OF TRUSTEES, CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION, ACCOMPANIED BY ANTONE MINTHORN, CHAIRMAN OF THE GENERAL COUNCIL; LOUIS DICK, JR., VICE CHAIRMAN FOR THE BOARD OF TRUSTEES; ROSEMARY NARCISSE, SECRETARY; JUDY SCOTT, ROD COWAPOO, JAY MINTHORN, MEMBERS; AND DOUG NASH, TRIBAL ATTORNEY

Mr. PATAWA. Good morning, Senator Hatfield.

Senator HATFIELD. Good morning.

Mr. PATAWA. My name is Elwood Patawa and I'm the Chairman of the Board of Trustees, Confederated Tribes of the Umatilla Indian Reservation.

Accompanying me today is the governing body of the Board of Trustees, which I would like to introduce at this time.

Seated beside me is Antone Minthorn, Chairman of the General Council. We also have here today Louis Dick, Jr., Vice-Chairman for the Board of Trustees; Rosemary Narcisse, secretary; Judy Scott, member; Rod Cowapoo, member; and Jay Minthorn, member. Also, Doug Nash, tribal attorney.

We are pleased to appear before you to testify in support of Senate Bill 1613.

The Confederated Tribes appreciate your long-standing support for the effort to solve water use conflicts in the Umatilla Basin.

As you know, the tribal and non-tribal people of the Umatilla Basin have been working toward this day for more than a decade. Your presence here today is welcome assurance our years of struggle for a constructive solution to water use conflicts in the Basin have not been in vain.

The water exchange project that would be authorized by Senate Bill 1613 is a critical part of the overall effort to restore Umatilla River Basin anadromous fish runs. These fish runs were eliminated by Federal actions in violation of the Umatilla Tribe's treaty-reserved rights.

This had serious social and economic impacts on the people of the Confederated Tribes. In addition, it pitted the tribes against their non-tribal neighbors in a destructive struggle for economic survival.

It is our hope that you can convey to the Congress that people's lives are at stake here and that Congress has a duty to remedy the problem.

The tribes could have turned to the courts for relief. That is the normal approach. Instead, the tribes turned to the State of Oregon, Federal Government and local irrigation, fishery and civic organizations to seek a constructive solution. With your strong support, we have struggled for years analyzing alternative solutions to the water use conflicts brought on by the Federal irrigation project in the Basin. The resulting Umatilla Basin Project is not the most desirable alternative solution, but it is a pragmatic least-cost solution.

We are fortunate there is an abundance of water available to solve the conflict between the tribe's treaty-reserved rights and irrigators participating in the Federal irrigation project.

The Columbia River, fourth largest river in North America, flows past the doorstep of the Umatilla Basin irrigation projects.

The Umatilla Basin Project would exchange a small fraction of Columbia River flows for a like amount of Umatilla River water presently being diverted for irrigation.

The project would enable the Federal Government to meet its Umatilla River fishery obligations to the Umatilla Tribes and to meet its commitments to the non-tribal participants in the Federal irrigation project.

This would defuse potential conflicts between tribal fishery and non-tribal irrigation interests.

The project would make a major economic contribution to the region and it would provide badly needed economic development opportunities for the Umatilla Tribes. It also would provide economic diversification for troubled local non-tribal agricultural economies.

The Confederated Tribes are sensitive to the need for fiscal restraint in the Federal budget. The water exchange project that would be authorized by Senate Bill 1613 has a positive benefit/cost ratio and large local cost share. More importantly, it is payment on a long-standing debt.

The people of the Umatilla Basin have joined hands in an unprecedented cooperative effort to devise a win-win solution. As your introductory statement in Senate Bill 1613 makes clear, "the Umatilla Basin project presents the Federal Government a unique opportunity to meet its treaty obligation in a way which will turn a substantial economic profit to the local area, the region and the nation."

As you know, quick action is required. The stakes—people lives and the fate of communities—are high. So is the resulting tension.

The initial phase of the project could be completed by the fall of 1990 at a construction cost of approximately $7 million and annual operation and maintenance costs of approximately $60,000. Rapid completion of this first phase would have significant economic benefits and would dramatically reduce the tension and potential for conflict.

Senator Hatfield, I cannot emphasize enough how much the Confederated Tribes appreciate your long and continued support for the cooperative tribal and non-tribal effort to devise a win-win solution to the water use conflicts in the Umatilla Basin.

Now it is up to Congress to do its part. With your continued leadership, we are confident we can all make the system work.

Senator Hatfield, we urge early action to authorize Senate Bill 1613. Thank you.

[The prepared statement of Mr. Patawa follows:]

GENERAL COUNCIL
and
BOARD of TRUSTEES

CONFEDERATED TRIBES
of the
Umatilla Indian Reservation

P.O. Box 638
PENDLETON, OREGON 97801
Area Code (503) Phone 276-3165

TESTIMONY OF
THE CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION
ON S. 1613, UMATILLA BASIN PROJECT ACT
SUBMITTED TO
COMMITTEE ON ENERGY AND NATURAL RESOURCES
SUBCOMMITTEE ON WATER AND POWER
UNITED STATES SENATE
Pendleton, Oregon
February 8, 1988

Senator Hatfield, my name is Elwood Patawa. I am Chairman of the Board of Trustees, Confederated Tribes of the Umatilla Indian Reservation. I am pleased to appear before you to testify in support of S. 1613.

The Confederated Tribes appreciate your long-standing support for the effort to solve water use conflicts in the Umatilla Basin.

As you know, the tribal and non-tribal people of the Umatilla Basin have been working toward this day for more than a decade. Your presence here today is welcome assurance our years of struggle for a constructive solution to water use conflicts in the basin have not been in vain.

The water exchange project that would be authorized by S. 1613 does not address the tribes' reserved rights to water on the reservation. The project is a critical part of an overall effort to restore Umatilla River Basin anadromous fish runs which were eliminated by Federal actions in violation of the Umatilla Tribe's treaty-reserved rights.

This had devastating and far-reaching social and economic impacts on the people of the Confederated Tribes. In addition, it pitted the tribes against their nontribal neighbors in a mutually destructive struggle for economic survival.

It is our hope that you can convey to the Congress that the Umatilla Basin Project is not a pork barrel water project. That people's lives are at stake here. That Congress has a duty to remedy a Federal error that has had and is having serious adverse impact on tribal and nontribal people and their communities.

The people of the Umatilla Basin have worked hard for years to make it easy, even profitable, for the Federal government to do the right thing.

Instead of turning to the courts, the tribes turned to the State of Oregon, Federal Government and local irrigation, fishery and civic organizations to seek a constructive solution. With your strong support we've struggled for years analyzing alternative ways to resolve water use problems that are the legacy of the Federal irrigation project in the basin. The resulting Umatilla Basin Project is not the most desirable alternative solution. It is a pragmatic, least-cost solution.

Fortunately, unlike many tribal/non-tribal water use conflicts elsewhere in the Nation, in this case there is an abundance of water available to solve the conflict between the tribe's treaty-reserved rights and irrigators participating in the Federal irrigation project.

The Columbia River, fourth largest river in North America, flows past the doorstep of the Umatilla Basin irrigation projects at an average daily rate of approximately 180,000 cubic feet per second. All that is required is to provide irrigators a tiny fraction of this water so they can leave their Umatilla River water in the river during periods of fish migration.

Anticipating timely completion of this Columbia River-Umatilla River water exchange under S. 1613, more than $20 million in complementary regional ratepayer funds are now being spent for a variety of fish production and passage facilities in the Umatilla Basin as partial mitigation for past hydroelectric losses.

To complete the package and make it all work, S. 1613 seeks authorization for $42 million in Federal funds to replace instream flows preempted by the Federal irrigation project in the Umatilla Basin.

These funds would be used to construct pumps and related facilities to exchange Columbia River water for Umatilla River water.

The Umatilla Basin Project water exchange:

1. Would contribute an estimated 112,000 spring and fall chinook, coho and steelhead to regional tribal and non-tribal fisheries.
2. Has a benefit/cost ratio of 1.65:1. And that is using a discount rate of 8 7/8%.

3. Has a local cost share of approximately 30% of total fishery program construction costs and local cost share of more than 75% of total annual OM&R costs.
4. Would roughly double the benefits of regional ratepayer investments in fish passage and production facilities under the Columbia River Basin Fish and Wildlife Program.
5. Would defuse potential conflict between tribal fishery and non-tribal irrigation interests, which would cost many millions of dollars and potentially could devastate the local agricultural economy.
6. Would enable the Federal Government to meet its Umatilla River fishery obligations to the Umatilla Tribes and its commitments to the non-tribal participants in the Federal irrigation project.
7. Would provide badly needed economic development opportunities for the Umatilla Tribes and badly needed economic diversification for troubled local non-tribal economies heavily dependent upon agriculture.
8. Would be the right thing for the Federal Government to do.

The Confederated Tribes are sensitive to the need for fiscal restraint in the Federal budget. But it is important for the Congress to remember that the water exchange project that would be authorized by S.1613 is not a pork barrel water project. It has a positive benefit/cost ratio and large local cost share. But more importantly, it is payment on a long-standing debt. The Confederated Tribes' treaty-reserved rights and the Federal trust obligation transcend economic and political convenience.

The people of the Umatilla Basin have joined hands in an unprecedented cooperative effort to devise a win-win solution. As your introductory statement in S. 1613 makes clear, "...the Umatilla Basin Project presents the Federal Government a unique opportunity to meet its treaty obligations in a way which will turn a substantial economic profit to the local area, the region and the Nation."

As you know, quick action is required. The stakes - people's lives and the fate of communities - are high. So is the resulting tension. In

response, the project has been designed in discreet phases. The initial phase could be completed by the fall of 1990 at a construction cost of approximately $7 million and annual O&M cost of approximately $60,000. Rapid completion of this phase of the project would have significant economic benefits and would dramatically reduce the tension and potential for conflict.

Senator Hatfield, I cannot emphasize enough how much the Confederated Tribes appreciate your long and continuing support for the cooperative, from-the-ground-up effort to devise a win-win solution to the serious, destructive water use conflicts in the Umatilla Basin. Now it is up to Congress to do its part. With your continued leadership we are confident we can all make the system work. We urge early action to authorize S. 1613.

Thank you.

Recommended changes in the language of S. 1613.

1. Section 2

(a) For purposes of <u>partially</u> mitigating losses to anadromous fish...

2. Section 3

...shall be operated in a manner consistent with <u>the reserved rights of the Federal Government and Confederated Tribes of the Umatilla Indian Reservation and</u> with Federal reclamation laws...

3. At the appropriate place add:

<u>Nothing in this act shall be construed or interpreted to amend, alter, modify or abridge any treaty right or reserved right of the Confederated Tribes of the Umatilla Indian Reservation.</u>

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Senator HATFIELD. Thank you, Mr. Chairman.

Anyone else on your panel wish to be heard at this time? No?

Mr. Chairman, I must respond briefly, because you draw some very important history here in your testimony for all of us.

You know, I could hold forth from now until noon on what constitutes pork barreling and what is not pork barreling. I am always somewhat surprised when people in the local community and in the state of Oregon get on to that matter of what is or what isn't, in the sense that we, of all people, ought to be able to delineate and distinguish between what is and is not pork barreling.

And I also must comment that when you have a cost/benefit ratio—and Mr. Russ Brown, who is to my right, has been on the committee for how many years? 18 years. And he has said to me this morning that in 15 years of his service on that committee he's never seen a project with a better cost/benefit ratio.

So you start with a base of what is a cost/benefit ratio. Anything that qualifies in that, under the careful scrutiny of the agencies and their application of the criteria, should certainly be prima facie evidence at least that the project escapes that labeling.

Secondly, I think when one recognizes that this is not just an economic project, this is a fulfillment of treaty obligations taken on by the Federal Government, so it transcends the normal water project or reclamation project, because it does incorporate that very serious obligation that has gone unattended for far too long.

And, thirdly, in a project of this kind you not only have the multiple points and components such as the Indian rights being settled on this, or at least being satisfied, but you look at one of the few things that's kept our trade deficit down from a national perspective has been our export of agricultural products. I don't know what we would have as a trade deficit today if it were not for those agricultural exports.

When you can stabilize that as well as hopefully expand that potential of export, you're addressing not just a local issue in Umatilla County, you're looking at a national problem; namely, the trade deficit.

And, thirdly, when you look at the fishery itself as a great resource that belongs to all in this country, public resource that it is, and the multiple demands upon that resource, and how you can enhance that resource, this bill, in my view, would be worth it if we were looking at only the fisheries, as it is important to our nation now and in the future.

I might close my interdiction here by saying this is, indeed, a far different atmosphere than in 1977 when I held a hearing here in Pendleton and I think that, in itself, is evidence of great progress, and building on that great progress, where there were sparks in that room that I was not sure were not going to ignite, as testimony after testimony had indicated a polarization of this whole issue. A divided community as well as a divided county, a divided people. It was a very serious matter here.

And, as I say, in the calmness of this atmosphere today, it's such a contrast, and I commend all of you, the Confederated Tribe, the irrigation district people, the local political leadership, and the citizens at large. We've come a long way since 1977. I'm hopeful we can conclude this by authorization and funding.

Thank you for letting me interdict in the process, but I wanted to thank you, particularly, Mr. Chairman.

Mr. PATAWA. Thank you.

Senator HATFIELD. We will now invite the third panel.

Excuse me. I don't want to cut off Mr. O'Rourke. I would like to hear from you now, Mr. O'Rourke.

STATEMENT OF BOB O'ROURKE, ATTORNEY AT LAW, ON BEHALF OF THE STANFIELD, WESTLAND, WEST EXTENSION, AND HERMISTON IRRIGATION DISTRICTS

Mr. O'ROURKE. Senator Hatfield, members of the staff, good morning, and thank you for being here.

With your permission, I would like to introduce several members of the boards of directors from the four districts who are in attendance. I'd ask that when I call their names they would please stand.

UNIDENTIFIED SPEAKER. Could we have the microphone adjusted?

Senator HATFIELD. The one on your right.

Mr. O'ROURKE. With your permission, Senator, I would introduce several members of the respective boards of directors of the four districts.

Senator HATFIELD. I would like to meet them.

Mr. O'ROURKE. From the Stanfield District, Danny Mills, Ray Copacz, and Jerry Cooper.

Senator HATFIELD. Welcome gentlemen.

Mr. O'ROURKE. From the Westland District, Frank Mueller, Lon Wadekamper and Bob Royder.

And from the Hermiston District, J.K. Doherty, Frank Bensel and Hugh Thompson.

And from the West Extension District, Sim TenEyck.

Senator HATFIELD. Good morning. Welcome to all of you. We're awfully happy to have you here.

If any of you gentlemen have additional comments or written material you would like to submit for the record, we would remind you again we would welcome that.

Mr. O'Rourke.

Mr. O'ROURKE. For the record, my name is Bob O'Rourke. I'm an attorney and I'm speaking today on behalf of the four irrigation districts which I have just identified. Each of these districts is a separate legal entity with separate operations and different water rights. Each of the districts has its own distinct water needs and, consequently, different hopes for and concerns about the proposed Umatilla Basin Project.

The four districts serve approximately 800 farm units in Umatilla and Morrow Counties involving approximately 50,000 acres of land. The Bureau of Reclamation is involved to one extent or another in the operation of all of the four districts.

The districts take this opportunity to repeat two comments that they have made on many previous occasions.

The first point is that the current problem of insufficient water for both fisheries and irrigation is a problem that was caused by neither the Confederated Tribes of the Umatilla Indian Reservation nor the districts. The tribes and the districts have been placed at odds with each other by the Federal Government. This fact com-

pels the Federal Government to solve the problem which it has created.

The second point which the districts continue to make is that the best long-term solution to the problem is upstream storage. Having made that observation, the districts recognize that the proposed basin plan is more expedient, cheaper and therefore more likely to succeed at this time.

Six or seven years ago representatives of the districts, myself included, began meeting with representatives of the tribes. There were several reasons for the meetings.

One was to better understand the problems and goals of the other parties.

Another purpose of the meetings was to find out if there were any common solutions to the several problems facing the tribes and the districts.

Another purpose of the meetings was to avoid litigation.

The exchange of information between the tribes and the districts has continued for several years now. Sincere efforts have been made on both sides to avoid confrontations or, at least, to minimize them.

At this time there appears to be a much better understanding between the districts and the tribes of each others' needs and aspirations with respect to the Umatilla River and its tributaries.

The tribes are interested in a fishery program. The districts are interested in continuing to operate as providers of irrigation water to their members. The districts recognize that the demand for the medium common to both objectives, water, exceeds the scarce supply at certain times of the year.

The proposed Umatilla Basin Project would help relieve the multiple and simultaneous pressures upon the water resources of the basin. Recognizing that goal as one which is beneficial to all parties, the districts are supportive of the proposed project.

The districts will continue to work with the tribes, the Bureau, the State, and other involved parties to help make the proposed project a reality. The districts' commitment to solving the water problem is evidenced by the fact that they have together spent over $120,000 of their own money working on matters related to the Umatilla Basin Project.

The districts, recognizing their legal obligations to their members, will continue to press for those elements of the project which the districts feel are critical to their continued operations.

The goals of the districts with respect to the project have been made well known to all parties on a regular basis. The districts will not waiver in their pursuit of these goals even through the process of signing contracts, when the day for signing contracts arrives.

The cornerstone of the Umatilla Basin Project is the delivery of exchange water to the districts. That exchange will allow the districts to continue delivering water to their members at a cost no greater than it has been in the past.

The exchange, utilizing existing irrigation facilities, will allow for the beneficial management of the river system for fisheries purposes. It is possible that, due to existing irrigation facilities, the river might be even more productive from a fishery standpoint

than it would otherwise be. Management techniques will need to be developed by all of the parties.

Because of the water exchange feature, the project is a complicated one. At some point in time it will be necessary for all of the involved parties to come to an agreement as to the basic operating terms of the project.

Such an agreement would clarify on a permanent basis such items as what water rights are being exchanged and what happens if the exchange water is unavailable at any given time.

The agreement between the parties will need to finally resolve some of the legal issues which are intertwined with the water shortage problems.

The districts believe that it would be most helpful if some funds could be made available to assist the parties in working out the agreements which will have to be reached before the project is made operational.

The districts believe that the attainment of their goals is not inconsistent with the attainment of the goals of the tribes with respect to the fishery project. Acting on that belief, the districts will continue to work with the tribes and support the proposed project.

It is likely that, as advanced planning is begun, details of the project will be made known which will not be in accord with either the wishes of the tribes or the districts. When that happens, both will be free to press for corrections in the plan.

Thank you.

Senator HATFIELD. Thank you, Mr. O'Rourke. I appreciate again the role that the irrigation districts have played in bringing this to a point where we could hold a hearing here, to be the profitable hearing that it is.

Thank you, gentlemen, for your contribution this morning.

I'd like to invite now Panel III, Mr. Rollie Rousseau, Deputy Director of the Oregon Department of Fish and Wildlife; Mr. William Young, Director of the Oregon Department of Water Resources.

Good morning, Mr. Young.

STATEMENT OF WILLIAM H. YOUNG, DIRECTOR, OREGON WATER RESOURCES DEPARTMENT

Mr. YOUNG. Senator Hatfield, Mr. Brown, my name is Bill Young. I'm Director of the Water Resources Department.

We welcome the opportunity to once again express support for the Umatilla Basin Project. The Water Resources Department has worked closely with the Bureau of Reclamation throughout the development of this proposal and we stand ready now to assist the Bureau, irrigation districts, and other participants with the administrative details necessary to make the project work.

To this end, the Water Resources Commission established minimum perennial streamflows on the mainstem Umatilla River in 1985. These minimum flows are designed to protect instream flows provided through the project water exchange.

The Commission also withdrew the Umatilla River and tributaries from further appropriation pending completion of the project study and Congressional authorization. In 1987, the department supported state legislation that clearly authorized exchanges of

water like that proposed by this project, and you heard comments on that earlier from Representative Norris.

From a water management perspective, we believe the project makes good sense. It is the one solution widely accepted and readily available to a whole Pandora's box of water issues and conflicts in the Umatilla Basin.

Other means of addressing these issues through conservation, artificial ground water recharge and watershed management, for example, now being considered by the state, offer neither the scope nor timeliness of benefits found in the Umatilla Basin Project.

The Umatilla Basin Project offers maximum benefits with minimum sacrifices. Vital fish passage flows will be provided through the exchange of Columbia River water for Umatilla flows. Improved passage will benefit the fish production goals of the Confederated Tribes of the Umatilla Indian Reservation. In this sense, the project compliments the goals of earlier Federal legislation, the Northwest Power Planning and Conservation Act of 1980.

At the same time, the project will maintain the viability of the basin's irrigation development. In fact, the Bureau suggests off-peak pumping capacity may be able to supplement insufficient irrigation supplies on some lands.

The project will largely defuse the conflict between irrigators and the Confederated Tribes. The benefits are twofold. Water management and planning in the basin will be allowed to focus on other areas needing attention.

The Water Resources Department is now nearing completion of its Umatilla Basin planning process. Water quality, artificial ground water recharge and watershed management are among other important issues in this basin needing attention.

Secondly, the project is a direct recognition of Indian treaty rights and perhaps aboriginal rights. Acknowledgment of these rights, even absent quantification, can only build a basis for trust in later negotiations.

The benefits this project can provide extend beyond the mere exchange of water. Success of this project will illustrate the advantage of cooperation between the Indian and non-Indian communities. Perhaps extensive litigation can be avoided. The State, the Basin and the Umatilla Tribes can benefit from similar joint efforts on other water issues. Thank you very much.

Senator HATFIELD. Thank you.

Mr. Young, I would also observe when you say that the acknowledgment of these rights, even absent quantification, can only build a basis for trust in later negotiations, hopefully this can become a role model for other negotiations that are going on with other Indian tribes where we have yet to establish almost what you might call a civil system of communication.

Mr. YOUNG. I agree, Senator.

Senator HATFIELD. I'm hopeful that when this passes it can help unhinge some of those other impasses that we're in.

Thank you, Mr. Young, for your testimony.

Mr. YOUNG. Thank you.

Senator HATFIELD. The fourth panel, Mr. Robert Duncan, Northwest Power Planning Commission, former Congressman, Robert Duncan; Mr. Timothy Wapato, Executive Director of the Columbia

River Inter-Tribal Fish Commission; Mr. Tony Barnhart, Director of the East Central Oregon Association of Counties.

Are those gentlemen present?

Ms. BRIGHAM. I'm not a gentleman, but I am here for Timothy Wapato.

STATEMENT OF KATHRYN BRIGHAM, COMMISSIONER, COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

Ms. BRIGHAM. Mr. Chairman, my name is Kathryn Brigham. I am a member of the Umatilla Fish and Wildlife Committee and a Commissioner for the Columbia River Inter-Tribal Fish Commission. I am also secretary for that Commission.

As you know, the Commission is composed of the fish and wildlife committees of Yakima, Warm Springs, Umatilla and Nez Perce Tribes. The Commission was formed for the purposes of providing a place where our member tribes can coordinate fishery management policies as well as supplying a source of technical expertise to assist us in the formulation of policy.

In 1855 our member tribes signed treaties with the United States in which we ceded millions of acres of land in return for certain promises, including a promise by the United States that the Federal Government would secure our right to take fish both on and off our reservations.

We kept our end of the bargain and moved to the reservations. The United States, however, under pressure from growing populations in the Columbia Basin, adopted power and irrigation policies that devastated our fish runs during a century of rampant development.

In December of 1980, with the passage of the Northwest Power Planning Act, we believe we may well have reversed this trend.

Prior to the Act's passage, the federal courts were clearly—excuse me—the federal courts had clearly established our tribes' rights to adequate water, habitat and passage conditions for our fishery resources.

However, we participated in the drafting of the fish and wildlife provisions of the Power Act in both 1979 and 1980 because we believed that a comprehensive, system-wide mitigation program was preferable to piecemeal litigation dealing with individual hydroelectric projects.

The Power Act simply provided us with the tools to restore upriver fishery resourcess for our tribes as well as for non-Indian citizens of the United States and even for citizens of Canada.

The Power Act provided the citizens of the Northwest with the opportunity for a win-win negotiating process compared to the win-lose nature of the federal court decision.

It is in this same vain that the Commission generally supports S. 1613.

The Commission believes that S. 1613 contains the tools necessary to provide adequate water to restore the bounty of the Umatilla River for all who use the salmon and steelhead of the Columbia River Basin. It stresses cooperation among all the relevant parties rather than confrontation.

In this regard, we wish to stress that we do not view this bill in any way as an Indian water rights bill. S. 1613 is properly an anadromous fish mitigation effort that permits the continuance of certain irrigation activities while leaving water in the Umatilla for fish.

If the project is successful, these fish will range through Indian and non-Indian fisheries on that river, in the Columbia, and along the coast of Oregon, Washington, Canada and Alaska. This Commission believes that an amendment clearly indicating the wide-ranging benefits of this project is therefore in order.

Further, the Commission supports the Umatilla Tribe's amendment that would disclaim any intent to limit that tribes or any tribe's reserved water rights. This bill should not be viewed in any manner as a settlement of claims. It should be viewed as a compliment to Indian reserved water rights, not a compromise of them.

The Commission recognizes that the Umatilla Basin Project could well ease the conflict between present irrigation activities and the paramount rights of the Umatilla Tribe to water for fish, just as the Power Act provided a similar forum for our tribes with reference to damages created by the Federal Columbia River Power System.

However, to interpret the legislation as an undefined settlement of any claim would set a precedent that might greatly diminish the ability of any Indian tribe to have its reserved water rights respected.

In this regard, the Commission supports the Umtilla's proposed amendment that would recognize both the reserved water rights of the Federal Government and the Umatilla Tribe.

In summary, the Commission views S. 1613, with the amendments suggested by the Umatilla Tribe, as an innovative model that parallels the process established in the Northwest Power Planning Act and reverses a trend of river destruction begun shortly after our treaties were signed.

We are especially grateful for the work of Senator Hatfield and his staff on this bill. The legacy that Senator Hatfield has created by legislative policies to restore the Northwest fisheries is likely to benefit many generations to come, both Indian and non-Indian. Thank you.

Senator HATFIELD. Thank you, Ms. Brigham. I appreciate your kind remarks.

STATEMENT OF TONY BARNHART, EXECUTIVE DIRECTOR, EAST CENTRAL OREGON ASSOCIATION OF COUNTIES

Mr. BARNHART. Good morning, Senator, and welcome to Eastern Oregon.

My name is Tony Barnhart. I'm Executive Director for East Central Oregon Association of Counties here in Pendleton. We're a five-county economic development district, including Umatilla County.

ECOAC is responsible each year for preparation of a regional economic plan. In that plan we have identified——

Senator HATFIELD. Pull that one on your right a little bit closer to you.

Mr. BARNHART. In that plan we have identified that for this area, one of the keys to recovery as well as growth is a long-term supply of natural resources. On top of that, water supply and availability is highest of those resource assumptions that we have made.

The quality, quantity and use at this point of water more and more is impacting the development of basic sectors in these counties, particularly agricultural and food processing. These basic sectors, in turn, have and will affect the future business and job growth of these five counties, particularly through the export of goods, both finished and raw, as you indicated earlier.

The Umatilla Basin Project plays a unique role of enhancing both fish runs and maintaining a vital and consistent source of water for irrigators.

The issues and trade-offs for users on the Umatilla River are complicated and delicate, as you well know. Yet the project has provided the framework and tools to seek a common solution to maintain multiple use of the river's resources and not over-compromise any one party's needs.

The Umatilla Basin Project can offer a number of solutions. It can allow treaty rights to be satisfied and allow irrigators to maintain their water needs and rights under state law. By offering this, expensive damaging litigation is avoided.

In addition, a large amount of funds have already been spent related to the river's channel improvements and facilities. If the project is not implemented, both those efforts as well as the efforts of the local advisory committees would be in waste.

Because of the alternatives and solution it affords, ECOAC strongly supports this project. Not only as a solution achieved for resource users, but the economic viability of this region is maintained and enhanced.

ECOAC is working closely with Hadley Akins and the Umatilla Basin Committee in the development of state and local resources to provide a local match for the implementation of this project. The match is a further expression of the commitment of this local area to seek a joint resolution.

We fully support passage of your Senate Bill 1613 and I'd like to thank you for the opportunity to comment this morning.

Senator HATFIELD. Thank you, Mr. Barnhart. Appreciate your presence. Thank you both.

Panel 5. Mr. Joe Burns of the Hermiston Development Corporation; Mr. Woody Sterrat, Columbia Blue Mountain Resource and Development Association; Mrs. Doris Bounds; Mr. Charles Burns, Round-Up City Development Corporation.

Mrs. BOUNDS. Joe Burns was unexpectedly called out of town, so cannot appear today. He is the President of the Hermiston Development and he has a letter here in support of 1613, very enthusiastic support, and regrets that he could not be here in person.

Senator HATFIELD. Thank you. We regret, too, that he is not here. You give him our regards, if you will, please. And his testimony—Mike, would you take the other microphone over there, too, please, for Mrs. Bounds. Thank you.

His testimony will be placed in the record at this point.

You may proceed, Mrs. Bounds. It's the other microphone that's the amplification. That one, yes. The other is a recording microphone.

[The letter from Mr. Burns follows:]

hermiston development corporation 395 EAST MAIN STREET / HERMISTON, OREGON

February 5, 1988

Umatilla Basin Project
17 S. W. Frazer, Box 6
Pendleton, Oregon 97801

The Hermiston Development Corporation, a nonprofit corporation, wishes to be on the record in support of the Umatilla Basin Project. This multipurpose Basin Project is the manifestation of wise and prudent use of water. Without water, you would not have fish. This restores fish to a historical Oregon river, the Umatilla. This project protects our natural resources and keeps faith with our responsibility as citizens to do just that. Senator Hatfield of Oregon has on more than one occasion reminded us all of the importance of properly exercising our responsibilities in protecting our natural resources - in particular, he has stressed the prudent and wise use of water for the entire nation. This restoration of the fish in the Umatilla river will be wise and prudent use of our greatest natural resource - WATER. This will benefit all Northeast Oregon and has great support from the entire area.

Thank you for allowing us to express our support of the Umatilla Basin Project.

Respectfully,

Joseph E. Burns
President
Hermiston Development Corporation

JEB:dbm

STATEMENT OF DORIS BOUNDS, HERMISTON, OR

Mrs. BOUNDS. The Umatilla Basin Project is of continuing interest to me. I appeared at a prior hearing years ago and am still marching to the same drum.

Umatilla County was my home before Hermiston had a name. It's desert country with agriculture the basis of our economy.

To have agriculture, we must have water. We have a history of frantic efforts to supply water to this land. There have been private, corporate, and government irrigation districts, with the water supplied from the most convenient and the cheapest source, the Umatilla River.

Now, during the growing season, the water is drained from the Umatilla River and its supplying springs. For six months out of every year, practically, you can walk ten miles up the river on the river bed. From where the Umatilla meets the Columbia, the water is gone.

The time is long past for action on the needed water supply, for the desert fields of Umatilla County. They must be made adequate and dependable. If it isn't, it could jolly well upset the entire economic foundation of the county.

Not only does our economy demand the development of the Umatilla Basin Project, there is also another obligation, which is even more demanding, and has been for over a hundred years. This is an obligation shared by this entire nation.

In 1885, the United States ratified a treaty assuring the Confederated Tribes in Umatilla County their fishing resources on the Umatilla River would be protected and assured.

Back in 1959, the Oregon Centennial, as a part of the celebration, included an Indian museum and a village where I spent several months.

It is a well known fact that the Indian people and their culture have long been fascinating to the citizens of foreign countries. There were probably more foreign visitors to the Indian village and museum than visitors from our own country.

I visited with many of them and was shocked to hear how familiar they were with the diplomatic history between the United States and the American Indian.

Many of these visitors told me that the United States was recognized as having the blackest history of any country in the world because of our flagrant violation of the over 300 formal treaties abrogated by our government with the American Indian. History records that of these treaties, most of them were broken within ten years.

This country continues to carry a burden of guilt for these broken treaties. Let's make restitution when and whenever we can.

S. 1613 provides an appropriation of 42 million, approximately, to bring reliable water to our irrigation ditches, which is long overdue, and to provide sufficient water in the Umatilla River to restore to the Indian people their major tribal resource.

Some may say 42 million is a grandiose sum to be spending on the Umatilla Basin Project. It's very well justified.

One, it would keep our promise to the Indian people that has been waiting for fulfillment for over 132 years and maybe improve

our stature in world diplomacy. Two, it will assure water supplies for our desert agriculture.

Thank you, sir.

Senator HATFIELD. Thank you very much, Mrs. Bounds.

STATEMENT OF WOODY STERRAT, PRESIDENT OF COLUMBIA BLUE MOUNTAIN RESOURCE AND DEVELOPMENT ASSOCIATION

Mr. STERRAT. Good morning, Senator Hatfield. It's my pleasure to be here. You and your staff are to be congratulated for taking the time in coming to this fine community and viewing our problems. As you mentioned, it's different than in 1977.

I'm Woody Sterrat. I'm the President of the Columbia Blue Mountain RC&D. We represent a five-county area of Eastern Oregon: Wheeler, Gilliam, Grant, Umatilla and Morrow.

Our sponsors are the water and soil districts, the port districts and the boards of commissioners.

We recognize the sport and commercial fishing industry is one of the area's most valuable resources. Fisheries are a renewable resource very vital to us.

I'll be brief, because there was lots of good testimony here this morning. No sense in being redundant.

Since the Umatilla Basin Project has as a primary goal this enhancement of salmon and steelhead fisheries, we wish to express our total support for the project.

I thank you for this opportunity to give testimony.

Senator HATFIELD. Thank you very much, Mr. Sterrat.

Mr. STERRAT. Thank you.

STATEMENT OF CHARLES BURNS, ROUND-UP CITY DEVELOPMENT CORP.

Mr. BURNS. Good morning, Senator Hatfield and friends.

Senator HATFIELD. Good morning. Nice to see you.

Mr. BURNS. I'm Charles Burns from the Round-up City Development Corporation of Pendleton.

We feel that anything that helps our area we are for. And we have checked and kept in touch with Hadley Akins, Executive Director of the Umatilla Basin Project, and are fully aware of all the things that are happening and are going to happen.

We feel that it will definitely benefit our Indian people and all the people in the whole area. Therefore, we support it a hundred percent and appreciate your coming here.

Senator HATFIELD. Thank you very much, Mr. Burns. Nice to have you all here.

The next panel, Mr. Harry Drew, manager of the Pendleton Chamber of Commerce; Mr. Don Daggett, the Greater Hermiston Chamber of Commerce.

Mr. STROBLE. Senator Hatfield?

Senator HATFIELD. Yes.

Mr. STROBLE. I'm Ron Stroble. I was a little late on Panel I.

Senator HATFIELD. Why don't you join this panel. I'm sure they wouldn't mind.

Good morning.

STATEMENT OF HARRY J. DREW, MANAGER, EXECUTIVE DIRECTOR, PENDLETON CHAMBER OF COMMERCE

Mr. DREW. Good morning, Mr. Hatfield. Thank you for allowing us the opportunity to provide you testimony in regard to the Umatilla Basin Project and legislation under Senate Bill 1613.

Again, I am Harry Drew. I am the Chamber Executive. The Pendleton Chamber of Commerce has supported numerous proposals during the past 18 years to improve the water and water related activities in the affected Umatilla River watershed. There is a definite need for additional usable water for agriculture, fisheries, and water oriented recreational activities in Eastern Oregon.

The Agriculture/Forestry Council of the Pendleton Chamber of Commerce is responsible for initiating action on the current Umatilla Basin Project.

This council, with the Indians of the Umatilla Tribal Council and rancher irrigators, requested that once again we endeavor to create a water retention system that would allow the runoff waters of winter and spring to provide for farm, fish and recreation use during the entire year.

Action of this group prompted creating the present Steering Committee for the Umatilla Basin Project.

The current project designed by the Bureau of Reclamation and agreed to by the Umatilla Basin Project Steering Committee and proposed under Senate Bill 1613 does not provide for all the benefits that the people of the area desire. However, it does provide for the immediate solution for a water supply to the facilities for both fisheries and irrigation.

We realize that under the present financial limitations and political situations, proposed Senate Bill 1613 has the potential for solving this problem for the immediate future. The solution is absolutely necessary for the benefit of all parties, the Indians for their fisheries, and the irrigators for their crops.

The project will have a positive effect on the economics of the Basin, Pendleton and Umatilla County, and we feel will maintain the agricultural income while increasing the income from enhanced fishery resources.

The Chamber of Commerce, speaking for its membership and representing the citizens of the community, urge that Senate Bill 1613 be authorized to benefit not only our community, but the state of Oregon. Thank you, Senator.

Senator HATFIELD. Thank you very much, Mr. Drew.

STATEMENT OF DON DAGGETT, GREATER HERMISTON CHAMBER OF COMMERCE

Mr. DAGGETT. Good morning, Senator. My name is Don Daggett and I'm here representing the Greater Hermiston Chamber of Commerce and, secondarily, myself as a sportsman, to speak on behalf of the Umatilla Basin Project.

This project really creates a unique opportunity to develop a far-reaching fishery resource with many economic benefits for this area.

One only has to observe the current usage of the present resource on the Umatilla and Columbia Rivers to realize the importance of a viable fishery and our agricultural economy to this area.

While some of the numbers used as economic justification for development of this project may seem small in some areas of the country, in Umatilla County they're pretty significant.

Originally, I said I was here representing myself as a sportsman, someone who has been fishing the lower Umatilla and Columbia Rivers for about the past nine years without much success. I can tell you this is pretty important.

We would like to thank you for the opportunity to express our support of the project.

Senator HATFIELD. Thank you, Mr. Daggett.

Mr. Stroble, we're glad you are here.

Mr. STROBLE. Thank you, Senator.

STATEMENT OF RON STROBLE, MEMBER, PORT OF UMATILLA COMMISSION

Mr. STROBLE. Good morning. My name is Ron Stroble and I'm a member of the Port of Umatilla Commission. The Port of Umatilla District encompasses most of Umatilla County, including the Umatilla Indian Reservation. Our primary objective at the port is to enhance the economic well-being of our area. We believe the Umatilla Basin Project will have a beneficial effect on all parties concerned. So we would like to state the port's support for this program.

The treaty of 1855 between the Federal Government and the Confederated Tribes of the Umatilla Indian Reservation promised protection of hunting and fishing rights. In addition, the treaty pledged assistance in the development of a viable economy on the reservation. This has been an ongoing concern to the present day and is of interest to the port as part of our economic development program.

It has been estimated that the enhancement of salmon and steelhead runs will be worth over $8 million to the sport and commercial fishing industries. As this area's reputation for quality fishing grows among sports fishermen, the benefits to the tourism industry will be readily apparent.

From the commercial viewpoint, the effects may be more far-reaching and profound. Developing these fishery resources for both the fresh and processed market could provide a source of income and self-sufficiency to the Confederated Tribes, which would help fulfill the pledge to assist in the development of a viable economy on the reservation.

Unlike many programs that develop a resource to the benefit of one group at the expense of another, the Umatilla Basin Project does not ask for significant sacrifices from anyone.

The water currently being used for irrigation from the Umatilla River will be replaced by water from the Columbia. The area's farmers will be able to continue making agri-business the largest segment of the port district's economy. This is of particular interest to the port, as a major part of our marketing program is directed at food processing companies which would utilize our considerable agricultural resources.

Successful execution of the Umatilla Basin Project will fulfill four goals.

First, the terms of the 1855 treaty will be honored. Second, the area's agricultural economy will not be harmed. Third, a new resource for both recreational and commercial benefit will be created, and, fourth, litigation that could consume enormous amounts of money and time is being avoided.

The Port of Umatilla supports the Umatilla Basin Project and encourages whatever steps are necessary to bring it to completion. Thank you.

Senator HATFIELD. Thank you, Mr. Stroble. Thank you all, gentlemen.

Mr. Hadley Akins, Executive Director of the Umatilla Basin Project Steering Committee.

STATEMENT OF HADLEY AKINS, EXECUTIVE DIRECTOR, UMATILLA BASIN PROJECT STEERING COMMITTEE

Mr. AKINS. Thank you, Senator. I'm Hadley Akins, Executive Director of the Umatilla Basin Project Steering Committee, and I reside here in Pendleton, Oregon.

After what's been said today, there is little I could say that wouldn't be redundant and repetitive. I just want to call your attention to the fact that our committee has represented a broad spectrum of interests and solutions for the water-related problems in the Umatilla Basin.

We've worked for six years to provide input, to resolve differences and we're pleased with the plan that has finally emerged. It is not a cure-all plan, but is a pragmatic solution to a natural resource conflict that provides more benefits at less cost than any of the many proposals we examined.

We are especially gratified at the many expressions of support manifested today and we hope that this plan and its local and regional acceptance will convey to Congress that this is a winning situation for everyone.

We have submitted copies of six briefing papers under separate cover which summarize the project, identify the participants and their contributions, describe the potential benefits, and detail our accomplishments to date.

Much of the information in these papers was gleaned from previous studies such as the Environmental Impact Statement and the various project plan formulations and some of it—in fact, a lot of it, has been presented at this hearing.

They are concise and readable resumes designed to provide a quick look at various aspects of the Umatilla Project for those people who don't have the time to study the more voluminous matter in detail.

In a very quick summary, then, these papers and what you have heard today illustrate that this project will, number one, restore to the Confederated Tribes of the Umatilla Indian Reservation the fishery they were promised in an 1855 treaty.

Two, it will protect the livelihood and financial investments of 2,000 small and large irrigators.

Three, it will ensure the health of a $50 million agri-business economy in the Umatilla Basin.

Four, it will provide an $8 million annual increase in the Columbia Basin fishery.

And five, it will add significant employment directly related to the project.

Number six, certainly not at the bottom of the list, but probably at the top, is that this project should prove that there is a better way to resolve differences over use of our natural resources than the confrontation and polarization that too often occurs.

We want to thank you, Senator, for the tremendous help you have provided in getting us to this point and we want to thank the committee for the time and effort to provide this forum for us.

Now, we urge that you continue to do all in your power to expedite the movement of the Umatilla Basin Act to the Senate floor and through the Congress. We are anxious and it is time to get on with it.

Thank you, Senator.

[The prepared statement of Mr. Akins follows:]

Pendleton, Oregon
February, 8, 1988

Senate Committee on Energy and
Natural Resources
Sub-committee for Water and Power

I am Hadley Akins, Executive Director of the Umatilla Basin Project Steering Committee.

Our committee represents a broad spectrum of interests in the solution of water related problems in the Umatilla Basin of Northeast Oregon. We have worked for six years to provide input and to resolve differences, and are pleased with the plan that is now finalized.

We are submitting under separate cover six briefing papers which summarize the project, our accomplishments of date, various specific benefits of the project, and the contributions of the many cooperative participants. In summary, these papers illustrate that the project will:

1. Restore to the Confederated Tribes of the Umatilla Indian Reservation the fishery benefits they were promised in an 1855 treaty.

2. Provide an increase of $8 million annually to the fishery economy, both commercial and sport, in the Columbia Basin.

3. Protect a $50 million agri-business economy in the Umatilla Basin.

4. Protect the livelihood and economic investment of irrigators in the Umatilla Basin.

5. Provide significant employment increases directly related to the project.

6. Prove that there is a better way to resolve differences over the use of our natural resources than the confrontation and polarization that so often occurs.

We urge the Senate Committee to give their approval to S-1613, the Umatilla Basin Project Act, and to expedite its movement through the Senate and Congress so that this project can proceed in an orderly manner.

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Information Presented by:
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THE UMATILLA BASIN PROJECT
A SUMMARY
SEPTEMBER, 1987

The Confederated Tribes of the Umatilla Indian Reservation (CTUIR), in a treaty with the United States signed in 1855, ceded over 6,000 square miles to the U.S. and in return were promised protection of their fishing and hunting rights within the reservation then established. They were also guaranteed fishing and hunting rights at all "usual and accustomed" sites outside the reservation, plus assistance in the development of a viable economy on the reservation.

At the time of the treaty, and until the early years of this century, there were substantial runs of salmon and steelhead in the Umatilla River within the reservation as well as in the Columbia River and its other tributaries where the Indians normally fished.

Subsequent to the treaty date, virtually all the seasonal water in the Umatilla River was allocated under state law to other uses, primarily irrigation. To facilitate irrigation, the Bureau of Reclamation (BR) assisted in the construction and operation of several water distribution systems within the Umatilla Basin. Thus we have an agency of the U.S. Government and the State of Oregon becoming parties to subversion of guaranteed Indian treaty rights. The fish problem was compounded with construction of the many dams in the Northwest which are now recognized as a major factor in the demise of historic fish runs. The results are that there is now only a token run of native steelhead left in the Umatilla River, and the Indians' economic, social, and cultural life is severely impacted.

Irrigated agri-business is a large segment of the Umatilla Basin economy, exceeding $50 million annually. More than 40,000 acres are watered by basin supplies, supporting 2,000 full and part time farms and providing lifestyle and economic benefits to a population of 8,000 surburbanites. Loss of irrigation water would significantly damage this economy, a threat that cannot be tolerated if there is any solution. The problem becomes one of reconciliation and compromise, not an easy task with positions as diverse as those held by Indians and irrigators.

In 1982, the CTUIR and the Oregon Department of Fish and Wildlife (ODF & W) asked BR to investigate possible solutions, and the Umatilla Basin Project Steering Committee (UBPSC) was formed to provide objective leadership and to mediate differences. Without these efforts, there would have been expensive and divisive litigation that would have polarized our community and decimated our economy. But during these five years BR has produced a plan that will restore fish runs to the river and at the same time protect the irrigated economy. Endless discussion has fostered an understanding that is a rarity in today's confrontational environment. Both sides have exhibited remarkable restraint and sincerely respect each others' objectives and positions. However, without continued tangible progress toward our goals, the restraint becomes tenuous and the spectre of litigation remains.

CTUIR and ODF & W began releasing juvenile salmonids in the Umatilla River in 1982. A small return occured in 1986 and a significantly larger return, including some adults, occured in 1987. The Northwest Power Planning Council (NPPC) has made fishery enhancement and reparation one of its principle objectives, with the result that Bonneville Power Administration (BPA) has committed $20 million of rate payer funds to the program. BPA has financed rearing installations and channel improvements that are now complete, and is in the final planning and design phase of improvements to passage and screening facilities at several river diversions. These activities will significantly improve fish passage when there is sufficient flow in the river. But unfortunately, during the critical months of May and June when juveniles are moving downstream, and in September and October when adults are returning, flows in the river are at their lowest due to both low seasonal flows and withdrawals for irrigation. To realize the full benefits of the investment by BPA rate payers and others, we must have more water in the Umatilla River.

The BR plan, which has been approved by all effected parties, is a water exchange project. Water from the Columbia River would be supplied to three irrigation districts which, in return, would give up part of their legal rights to upstream storage and natural flows in the Umatilla River. The project can be phased, with the first and smallest phase being the most critical. This would be a small pumping station near the mouth of the Umatilla River, estimated to cost $7 million, which would solve the fish passage problems at Three Mile Dam, the most critical barrier. West Extension Irrigation District would use this pumped water and would leave in the river part of what it currently withdraws. A second phase would provide a larger pumping and canal complex, estimated to cost $36 million, that would lift water to Cold Springs Reservoir from where it would be distributed to Hermiston and Stanfield irrigation districts. They, in turn, would leave in the Umatilla River part of the natural flow they now divert, and Stanfield would give up its storage rights on McKay Reservoir which would be used to maintain the streamflow.

To date, irrigators have adjusted their fall schedules whenever possible in an attempt to leave some additional flows in the river, and CTUIR and ODF&W have made plans to implement a trap and haul program to transport fish upstream. But both of these programs are expensive, only partially effective, and not sustainable over an extended period of time. In jeopardy are the benefits of the investments in several years of fish stocking and the physical improvements sponsored by NPPC and BPA.

No losers are apparent in the Umatilla Basin Project. Treaty rights will be restored, a multimillion dollar fishery resource will be established, the present economic and life style interests of the off-reservation population will be protected, and costly and divisive litigation will be avoided.

UMATILLA BASIN PROJECT
A PARTNERSHIP

This project illustrates the ultimate in cooperation and planning to reach a common goal. Elements as diverse as Indian tribes, irrigators, sportsmen, community leaders, and government have pooled their resources and talents to solve a critical conflict over water availability in the Umatilla Basin. Since 1972, the interested parties have invested time, money, and patience to reach agreement on a plan that will avoid confrontation and solve the fish and water dilemma.

The first Federal planning began in 1980 when the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) asked the Oregon Department of Fish and Wildlife (ODFW) and the Bureau of Reclamation (BR) to investigate opportunities to reestablish anadromous fish runs in the Umatilla River. The first efforts by BR were co-mingled with planning in other areas, but the Umatilla Basin Project (Project) began assuming its own identity in 1982. Since that date, direct Federal funding devoted to planning and design have totaled $1 3/4 million and the FY 1988 budget proposal includes an additional appropriation.

Also in 1982, the Northwest Power Planning Council (NPPC) adopted the Columbia River Basin Fish and Wildlife Program, which, in effect, caused Bonneville Power Administration (BPA) to become an active participant in restoring fish resources throughout the Columbia Basin, The program was amended in 1984 and again in 1987, with each revision providing specific benefits to the Project. Through BPA, northwest rate payers will contribute in excess of $20 million to fish enhancement activities on the Umatilla River and its tributaries. Completed or under construction are rearing, hatchery, passage, and habitat improvements totalling $6.9 million. In final design are $8.2 million worth of further improvements, with another $5.5 million in planning. The BPA committment also includes energy costs for the life of the Project.

Oregon's direct participation so far has been $50,000 in the 1985-87 biennium and a like amount in the current biennium to maintain a part time office. This has been vital to monitoring, coordinating, and promoting Project activities. ODFW has provided technical assistance in all fishery efforts, and the Oregon Water Resources Department and the Legislature have successfully initiated several measures that benefit the Project.

Irrigation districts have voluntarily regulated their diversions to provide additional flows at critical migration times, and have stopped fall diversion early the past three years. This has cost the districts a minimum of $40,000 in lost revenue and has reduced crop production for some farmers. The districts have participated in salary and expenses of a biologist to monitor fish movement, coordinate diversions, and accumulate data. They have provided labor and equipment on numerous occassions

to correct passage problems that couldn't await bureacratic decision making. Many irrigator contributions are incalculable because they involve time and lost opportunities due to lower beneficial diversions.

The Umatilla Tribes have devoted funds and personnel from a number of sources since the inception of Project planning. Under contract with BPA, they have administered several habitat and rearing projects mentioned previously as a part of BPA's funding. The Bureau of Indian Affairs has granted $50,000 a year since 1982 for fishery enhancement. And the Tribes have paid in excess of $10,000 annually from their Fishing and Hunting Fund for administration, travel and per diem, and other expenses for personnel. Tribal biologists manage two fish rearing facilities, fish planting, monitoring, and other on-going activities in cooperation with ODFW.

There have been other contributions and volunteer efforts too numerous to itemize. Private parties donated land for two rearing facilities on the upper Umatilla River. The Union Pacific Railroad provided free of charge a work train to haul materials and equipment to one of these sites that had no access other than by rail. An ad hoc steering committee composed of irrigators, tribal representatives, and business people has met at least monthly since 1982.

Without all these efforts, the Project could not have progressed to its present status. But these investments have not as yet produced the streamflow to facilitate natural fish migration and production. A continuing and intensified commitment from all parties is still needed to achieve the water exchange under the pumping plan. Only these final steps will fully utilize all the investments to date.

UMATILLA BASIN PROJECT
FISHERY BENEFITS

Income opportunities resulting from reestablishment of fish runs in the Umatilla River will be many and varied. There has been no fishery in the river, other than a few native steelhead, during most of this century. Columbia River and ocean fishing enterprises have been declining as well, but promise to improve as a result of the Northwest Power Planning Council's Fish and Wildlife Program. The Umatilla Basin Project will contribute to this program by producing 112,000 salmon and steelhead worth in excess of $8 million to the commercial and sport fishing industries. An additional 25,000 adult fish of all species would remain unharvested to spawn and provide brood stock for hatchery use.

The economic benefits of this increase production will be distributed widely from the Umatilla River downstream and into the Pacific Ocean. Using historic ratios and values developed by the Oregon Department of Fish and Wildlife in cooperation with National Marine Fisheries Service, ultimate benefits will reach figures depicted in the following tables.

LOCATION - CATCH and VALUE

	Umatilla River		Col. R/Ocean		Total	
Commercial	Number	Value	Number	Value	Number	Value
Fall Chinook	7,890	$ 323,400	50,089	$2,053,100	57,979	$2,376,500
Spring Chinook	7,417	356,400	6,121	294,200	13,538	650,600
Summer Steelhead	-0-	-0-	1,165	33,800	1,165	33,800
Coho	1,650	11,600	3,234	22,700	4,884	34,300
Sub-Total	16,957	691,400	60,609	2,403,800	77,566	3,095,200
Sport						
Fall Chinook	-0-	$ -0-	13,315	$ 849,800	13,315	$ 849,800
Spring Chinook	-0-	-0-	8,115	1,653,800	8,115	1,653,800
Summer Steelhead	4,361	989,700	5,309	1,204,900	9,670	2,194,600
Coho	-0-	-0-	3,366	218,400	3,366	218,400
Sub-Total	4,361	$ 989,700	30,105	$3,926,900	34,466	$4,916,600
Total	21,318	$1,681,100	90,714	$6,330,700	112,032	$8,011,800

BENEFICIARY - CATCH and VALUE

	Conf. Tribes		Other Tribes		Non-Indians		Total	
Commercial	Number	Value	Number	Value	Number	Value	Number	Value
Fall Chinook	8,423	$ 345,200	4,793	$ 196,400	44,763	$1,834,900	57,979	$2,376,500
Spring Chinook	7,728	371,400	2,798	134,500	3,012	144,700	13,538	650,600
Summer Steelhead	116	3,400	1,049	30,400	-0-	-0-	1,165	33,800
Coho	1,650	11,600	-0-	-0-	3,234	22,700	4,884	34,300
Sub-Total	17,917	$ 731,600	8,640	$ 361,300	51,009	$2,002,300	77,566	$3,095,200
Sport								
Fall Chinook	133	$ 36,200	1,198	$ 326,300	11,984	$ 487,300	13,315	$ 849,800
Spring Chinook	78	24,300	699	219,000	7,338	1,410,500	8,115	1,653,800
Summer Steelhead	2,352	533,800	1,538	349,000	5,780	1,311,800	9,670	2,194,600
Coho	-0-	-0-	-0-	-0-	3,366	218,400	3,366	218,400
Sub-Total	2,563	$ 594,300	3,435	$ 894,300	28,468	$3,428,000	34,466	$4,916,600
Total	20,480	$1,325,900	12,075	$1,255,600	79,477	$5,430,300	112,032	$8,011,800

UMATILLA BASIN PROJECT

NON-INDIAN ECONOMIC AND SOCIAL IMPACTS

There is little reference in Project documentation to the economy or life style of non-Indians effected by the Project. While the Project would not significantly increase agri-business activity, it would guaranty stability and remove the threat of confrontation. Lack of a water enhancement program will trigger litigation that will ultimately involve the Confederated Tribes, the Bureau of Reclamation, the Bureau of Indian Affairs, the State of Oregon, and several irrigation districts. The risks of a non-project to the Umatilla Basin economy are valid considerations in any discussion of costs and benefits.

Table I documents the land served by waters of the Umatilla River and McKay Reservoir. Federal Projects were either Federally constructed or are supplied water under contract with the Bureau of Reclamation. Non-Federal Projects are smaller private districts and individuals who contract water and/or depend on the large district facilities for delivery of water. All farms have domestic wells, and some pump supplemental irrigation water from aquifers which are at or near critical levels.

Some farms are part-time or small acreage tracts situated throughout the area. Loss of water would cause a serious reduction in their land values and personal investments, and would reduce the income producing capabilities of both full and part-time farms. Debt reduction would be difficult if not impossible, tax revenues would decline and service oriented agri-business activity would be severely curtailed.

Data was obtained from annual crop reports required of all Federal projects, and from the Directory of Water Users Organizations published by the Oregon Water Resources Department. Some data was detailed through interviews with land owners and district officials. Crop values are at farm gate prices and do not include farm program benefits. Since these values do not reflect economic rollover effects of processing, transportation, and other services, the total economic value is significantly higher than the $16 million shown.

TABLE I

UMATILLA BASIN PROJECT
NON-INDIAN ECONOMIC AND SOCIAL IMPACTS

	FEDERAL PROJECTS				NON-FEDERAL PROJECTS							
	WID	SID	WEID	HID	COURTNEY	DILLON	PIONEER	TOTAL	CLID	WATER	OTHER	TOTAL
LAND												
Irrigated Acres	8,350	6,039	9,545	10,829	550	1,220	810	2,580	5,560	817	1,800	48,180
Number of Farms	225	225	700	936	4	5	13	8	13	4	10	2,143
Land - Price	$ 1,200	1,600	1,000	1,200	1,200	1,200	1,200	1,600	1,600	1,200	1,200	-0-
Land - Value	$10,020,000	9,854,400	9,546,000	12,994,800	670,800	2,664,000	962,800	3,500,000	7,700,395	1,160,400	1,200,000	$50,804,200
Tax Revenue	$ 90,512	68,292	62,040	75,003	3,913	12,060	5,733	18,750	41,250	6,010	7,000	$ 320,762
Population	656	573	1,750	5,000	17	20	30	45	125	22	40	8,295
1985 CROP VALUES ($)												
Cereal Grains	$ 237,309	305,557	105,720	57,659	-0-	-0-	-0-	350,470	260,000	35,040	-0-	$ 1,352,977
Forage - Hay	$ 1,066,255	756,995	660,438	1,401,210	130,160	660,000	327,600	516,530	770,040	150,047	10,000	$ 6,720,884
Misc. Field Crops	$ 38,707	322,432	-0-	-0-	-0-	210,000	-0-	196,937	-0-	25,040	-0-	$ 793,516
Vegetables	$ 567,000	904,720	230,000	910,536	-0-	-0-	-0-	1,438,700	2,561,000	-0-	-0-	$ 6,560,645
Fruits	$ -0-	-0-	29,745	-0-	-0-	-0-	-0-	-0-	-0-	-0-	62,700	$ 72,529
Other	$ -0-	-0-	11,200	280,000	-0-	-0-	-0-	162,702	-0-	-0-	-0-	$ 373,902
TOTAL	$ 1,870,931	$2,289,704	$ 1,274,100	$ 2,560,605	130,160	$ 880,000	$ 327,600	$2,665,390	$3,579,040	$ 215,727	$ 80,700	$15,867,653

WID - Westland Irrigation District
SID - Stanfield Irrigation District
WEID - West Extension Irrigation District
HID - Hermiston Irrigation District
CLID - County Line Improvement District

UMATILLA BASIN PROJECT

EMPLOYMENT OPPORTUNITIES

Restoration of anadromous fish runs in the Umatilla River and resulting expansion of fishing enterprises would increase employment both locally and regionally for Indians and non-Indians alike. Unemployment is a particularly vexing problem for Indian people whose opportunities are often limited by a narrow base of economic and natural resources. In addition to the long term employment benefits during the project life, there would be significant employment totals the four year construction period. The Final Environmental Statement published by the Bureau of Reclamation reveals the following projected employment figures:

Long term employment

Functional Distribution		Geographic Occurrence	
Fishing Enterprises	11	Basin Indians	20
Operation & Maintenance	9	Rest of Region	62
Indirect	62		
TOTAL	82	TOTAL	82

Construction Related Employment

	Functional Distribution			Geographic Occurrence			
Year	Direct Onsite	Indirect	Total	Indians	Rest of Region	Rest of Nation	Total
1	36	102	138	14	120	4	138
2	57	164	221	24	191	6	221
3	101	291	392	41	341	10	392
4	17	48	65	8	55	2	65

STATE OF OREGON

Actions Beneficial to the Umatilla Basin Project

The 1987 Oregon legislature addressed water related issues more effectively than any legislature in recent history. They were strongly encouraged by a new administration under Governor Neil Goldschmidt that is taking interest in water issues. The result was approval of several new statutes and budget items that are of significant importance to the Umatilla Basin Project. Some of these actions will contribute cost sharing funds directly related to Project objectives, while others create long term incentives to use water more efficiently and enhance in-stream flows. Following is a resume of the measures that will directly or potentially benefit the Project:

1. The Oregon Water Resources Department budget includes $50,000 to continue funding a part time office and administration support to coordinate and promote the Project. A like amount was provided during the 1985-87 biennium, bringing the total state participation through 1989 to $100,000.

2. The legislature set aside $100,000 to be distributed by the Emergency Board to finance specific small watershed projects in the Umatilla and Goose Lake - Summer Lake basins. The projects are to be defined by local committees who are currently updating basin plans and action programs under the Water Resources Department's Basin Planning Program. This is a follow-up of a successful demonstration project in the John Day basin that attracted other funds from the Soil Conservation Service and local landowners.

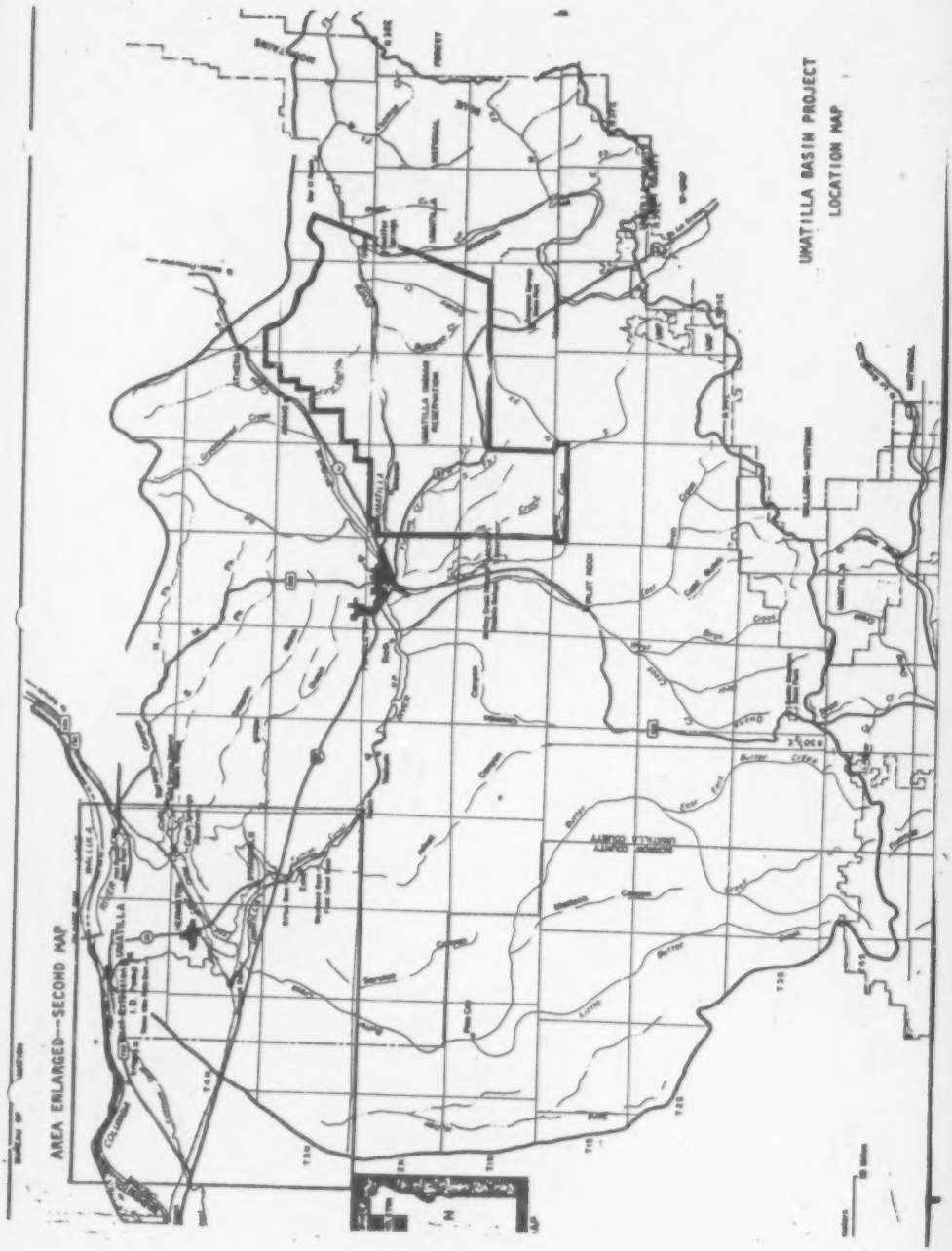
3. Senate Bill 23 provides $500,000 for watershed enhancement projects to be approved by a newly created Watershed Enhancement Board. The goal is to improve water quality and quantity through restoration and better management of riparian zones and associated upland areas. Local, private, public, and governmental entites are encouraged to participate. Additional funding is provided for administration and staffing, so the entire $500,000 should be available for action programs.

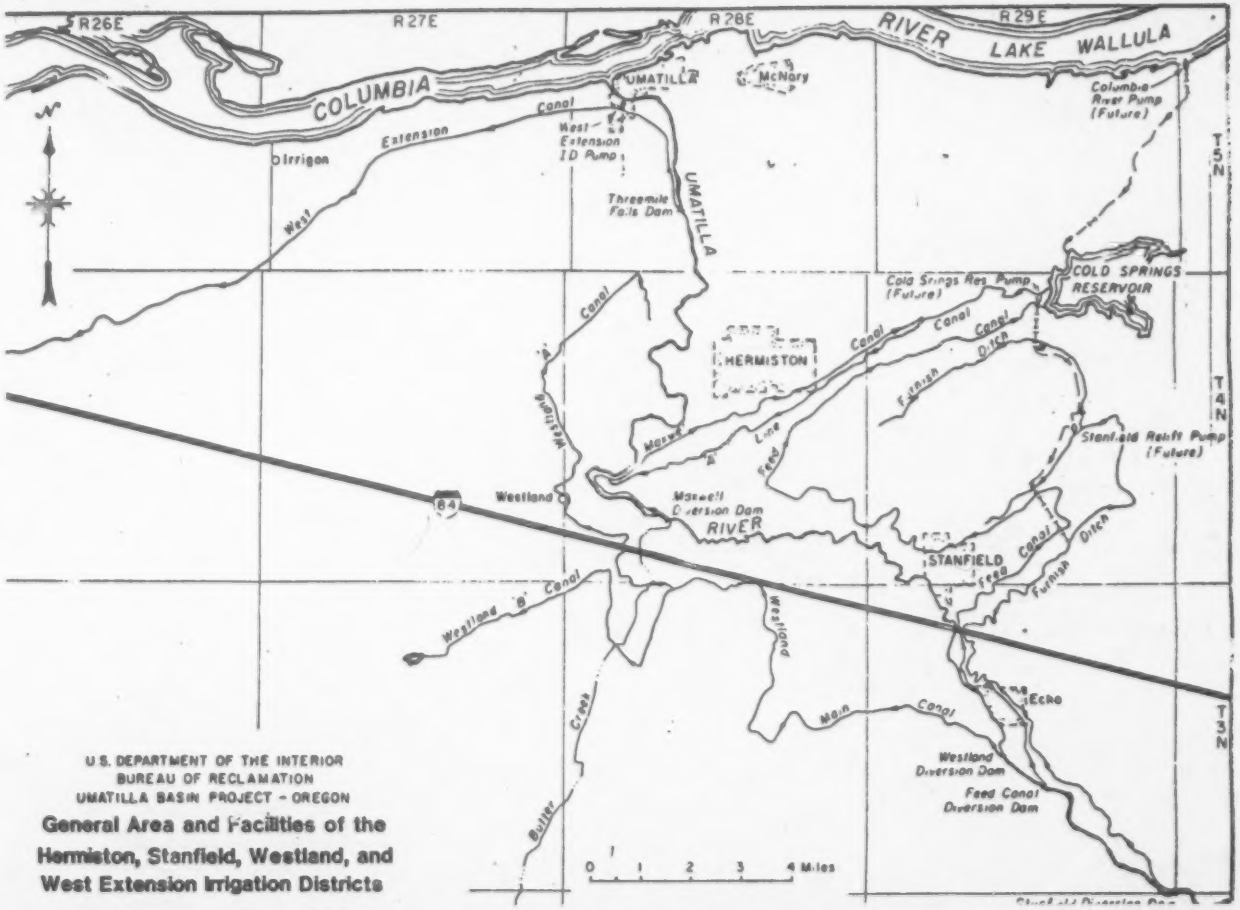
4. Senate Bill 24 attempts to promote a water conservation attitude and to overcome the old "use it or lose it" philosophy common in western water law. Any appropriator of water may propose a water conservation program and either sell or retain control of a portion of the conserved water for another beneficial use. Part of the conserved water will revert to the state for instream use and will not be subject to subsequent appropriation. In effect, this statute will enhance streamflow and at the same time allow an appropriator to finance a water conservation program with the proceeds of a water sale or increased production due to extended water usage. One signifcant water conservation project is already underway in the Umatilla Basin.

5. Senate Bill 140 creates an in-stream water right for public uses that include enhancement of aquatic life and habitat. The right will be held in trust for the people of the state by the Water Resources Department. The statute also allows any appropriator to gift or lease a water right to the state for an instream purpose.

6. House Bill 3312 provides for the legal exchange of water between water right holders, including holders of in-stream rights. It also provides enforcement authority to protect the in-stream right from downstream appropriation. In the case of the Umatilla Basin Project, it will allow a state agency to obtain an in-stream water right from the Columbia River and exchange its use with an irrigation district for the district's appropriative right from the Umatilla River.

7. House Bill 3395 extends eligibility for water development loans to projects that protect and enhance fish and to projects that improve riparian zones and associated upland areas. Loan applicants now include soil and water conservation districts.


UMATILLA BASIN PROJECT
LOCATION MAP
AREA ENLARGED--SECOND MAP



U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
UMATILLA BASIN PROJECT - OREGON

General Area and Facilities of the Hermiston, Stanfield, Westland, and West Extension Irrigation Districts

Senator HATFIELD. Thank you, Mr. Akins, for all of your hard work in this project, and the people that you represent.

Now, let me go back and make sure that we do not have others who have been on our list and who may have come into the room.

Mr. Rollie Rousseau, the Deputy Director of the Oregon Department of Fish and Wildlife.

UNIDENTIFIED SPEAKER. Rollie is not here, but I would be happy to present his statement for you, if you would like that at this time.

Senator HATFIELD. Do you expect him?

UNIDENTIFIED SPEAKER. He is on his way. He was supposed to arrive at the airport at 10:30, and would probably be here within ten minutes.

Senator HATFIELD. Why don't we have a 15-minute recess and that will give him a chance to be here.

And Congressman Robert Duncan. Those are the two.

Any others now who had come to make remarks or offer written statements? If not, then, we will have a 15-minute recess.

[Recess taken.]

Senator HATFIELD. The hearing will please resume, come to order. At this time I would like to invite Mr. Rousseau and Congressman Duncan to the table.

Mr. Rousseau represents the Oregon Department of Fish and Wildlife, and Congressman Duncan, the Northwest Power Planning Council.

Gentlemen, you're sort of the wrapup people on this hearing. We have had testimony from about 22 witnesses representing local and state government, representing the irrigation districts, representing the Confederated Tribes of Umatilla and representing citizens at large.

And we're very happy to hear from you now representing two very important agencies, the Northwest Power Council, Congressman Duncan, and Mr. Rousseau, the Oregon State Fish and Wildlife.

And you may decide. Shall we let Mr. Rousseau go first and then Congressman Duncan may have the last word?

Mr. ROUSSEAU. I was hoping that Congressman Duncan would go first, because I've never had an opportunity to get the last word with him.

Senator HATFIELD. Neither have I. We have something else in common. We won't today, anyway. Let's forget it.

STATEMENT OF ROLLIE ROUSSEAU, DEPUTY DIRECTOR, OREGON DEPARTMENT OF FISH AND WILDLIFE

Mr. ROUSSEAU. Senator Hatfield, I'm Rollie Rousseau, Deputy Director of the Oregon Department of Fish and Wildlife, and I first would like to thank you for this opportunity to testify before this committee and, certainly, waiting for Congressman Duncan and I to arrive this morning. I sure apologize if there was any inconvenience for that.

This is somewhat of a unique opportunity for the Department to be testifying in favor of a water development project. In my 30-year career with the Department I think there has been few occasions I

can think of where we had a win-win situation, where a water development project such as this would not only benefit the agricultural community, but also would benefit the fisheries interest, and it's my pleasure for the Department to go on record strongly supporting this program. We think it's extremely important for the Umatilla Basin and all of Oregon and the region.

I'd like to talk—just briefly a prepared statement that we have submitted and give you a resume, I guess, of what we think the benefits are of the project.

The restoration of the anadromous fisheries in the Umatilla River has been a top priority for the Department and Umatilla Tribes since 1980. The Umatilla Basin Project is an integral part of a comprehensive fishery rehabilitation program to restore anadromous fish stocks in the Umatilla River. These stocks have been greatly reduced or eliminated by the Federal Power System on the Columbia and federally-sponsored irrigation projects on the Umatilla.

The Umatilla Basin Project is certainly a multiple agency and a multiple benefit project, an accumulation of effort by the Department, other fishery agencies, tribes, Federal Government, state agencies and local irrigation, business and civic organizations. It has been identified as a cost effective and a practical solution to fishery and water conflict problems in the Umatilla.

It offers the greatest promise, without a doubt, to resolve these long-term conflicts.

The Department and tribes are implementing a $20 million program funded by Bonneville Power Administration under the Northwest Power Planning Council's Fish and Wildlife Program.

Projects to improve fish passage and habitat conditions, construction of a major hatchery and associated facilities and subsequent monitoring and evaluation will partially mitigate the fish losses in the Columbia and Umatilla basins.

This project will nearly double fishery benefits planned under the Council's Fish and Wildlife Program.

It is estimated that implementation of the Fish and Wildlife projects under current flow conditions, that's current flow conditions that exist today, will result in a return of over 25,000 natural and hatchery adult salmon and steelhead to the Umatilla Basin.

Under the enhanced flows, those are the flows that would result from the Umatilla Basin Project, the total fish would be increased to nearly 46,000 adult salmon and steelhead annually to the Umatilla River. Now, that is to the river.

Regionally, however, this project will provide a total of 112,000 adult salmon and steelhead to the ocean, Columbia River and Umatilla rivers' Indian and non-Indian fisheries. These fish certainly will make a significant contribution to the economy of the region. We estimate about $8 million will be provided from those fisheries annually to the region.

And last, the Umatilla Basin Project is a long-term solution to meeting the Federal Government's obligations to the tribes while at the same time honoring the Federal commitment to water districts in the Umatilla.

With enhanced flows, adult salmon would be able to swim upstream to natural spawning areas, usual and accustomed fishing

sites, and collection facilities on reservation land. A long-standing conflict involving streamflows between Indians and non-Indians would be resolved, thus eliminating the risk of litigation.

Senator, we appreciate your strong support for the Umatilla Basin Project. We are confident the plan is correctly formulated to compliment the Fish and Wildlife Program measures. There is an urgency to get the fishery rehabilitation program fully implemented to prevent further social and economic impacts to the tribal and non-tribal community involved in water use.

I'm here representing the Department to respectfully request the subcommittee's favorable action on this legislation. Thank you very much.

[The prepared statement of Mr. Rousseau follows:]

Statement

on the

Umatilla Basin Project

before

Subcommittee on Water and Power

of the

Senate Energy and Natural Resources Committee

by the

Oregon Department of Fish and Wildlife

Pendleton, Oregon

February 8, 1988

I am Rollie Rousseau, Deputy Director, Oregon Department of Fish and Wildlife. The Department of Fish and Wildlife supports enactment of S.1613 relative to authorization of construction, operation, and maintenance of the Umatilla Basin Project to enhance stream flows and restore anadromous fisheries in the Umatilla River Basin.

For the Committee's consideration, the Department of Fish and Wildlife offers the following:

1. Restoration of the anadromous fisheries in the Umatilla River has been a top priority for the Department and Umatilla Tribes (tribes) since 1980. The Umatilla Basin Project is an integral part of a comprehensive fishery rehabilitation program to restore anadromous fish stocks in the Umatilla River. These stocks have been greatly reduced or eliminated by the Federal Power System on the Columbia and federally-sponsored irrigation projects on the Umatilla.

2. The Umatilla Basin Project is a culmination of effort by the Department and other fishery agencies, tribes, federal government, state agencies and local irrigation, business, and civic organizations to identify a cost effective and practical solution to fishery and water conflict problems in the Umatilla River.

3. The Department and tribes are implementing a $20 million dollar program funded by Bonneville Power Administration under the Northwest Power Planning Council's Columbia River Fish and Wildlife Program. Projects to improve fish passage and habitat conditions, construction of a major hatchery and associated facilities, and subsequent monitoring and evaluation will partially mitigate the fish losses in the Columbia and Umatilla basins.

4. While the Umatilla Basin Project alone will provide substantial fishery benefits, the Project also holds the greatest promise for resolving long-term fish and water use conflicts in the Umatilla Basins.

5. The Project would nearly double fishery benefits planned under the Council's Fish and Wildlife Program. It is estimated that implementation of Fish and Wildlife projects under current flow conditions will result in a return of over 25,000 natural and hatchery adult salmon and steelhead to the Umatilla Basin. Under enhanced flows of the Umatilla Basin Project, this total would be increased to nearly 46,000 adult salmon and steehead annually to the Umatilla River. Regionally, this Project will provide a total of 112,000 adult salmon and steelhead to the ocean and Columbia and Umatilla rivers' Indian and non-Indian fisheries. These fish will make a significant contribution to the economy of the Region.

6. The Umatilla Basin Project is a long-term solution to meeting the Federal Government's obligations to the tribes while at the same time honor the federal commitment to water districts in the Umatilla. With enhanced flows, adult salmon would be able to swim upstream to natural spawning areas, usual and accustomed fishing sites, and collection facilities on Reservation land. The long standing conflict involving stream flows between Indians and non-Indians would be resolved, thus eliminating risk of litigation.

The Department of Fish and Wildlife appreciates Senator Hatfield's strong support for the Umatilla Basin Project. We are confident that the plan is correctly formulated to complement the Fish and Wildlife Program measures and to fully address fishery and tribal needs in the Umatilla. There is an urgency to get the fishery rehabilitation program fully implemented to prevent further social and economic impacts to the tribal and non-tribal community involving water use. The Department respectfully requests the Subcommittee's favorable action on S.1613.

Senator HATFIELD. Thank you very much. I appreciate your statement very much, Mr. Rousseau.

Congressman.

STATEMENT OF ROBERT DUNCAN, MEMBER, NORTHWEST POWER PLANNING COUNCIL

Mr. DUNCAN. Senator, I am advised that you have had a number of witnesses and there hasn't been any opposition to this project yet, so I feel like I'm here kind of preaching to the choir.

I don't want to prolong it unnecessarily. I used to say, whenever a majority of the committee began nodding their heads, that they agreed with you and you ought to shut up.

So I simply will express the very strong support of the Northwest Power Planning Council for the bill that you have introduced.

I would say there are only a couple of reasons I can think of why people might object. Of course, some people object to anything that requires the expenditure of money.

But I am told this has a good cost-benefit ratio, and, whether it does nor not, there are some good political and biological reasons why it ought to be instituted, in my judgment.

But people can say, well, it's premature. You ought to wait until your sub-basin planning is done. We have recently undertaken a very massive program of sub-basin planning for fish restoration in some 31 sub-basins.

And all other things being equal, you might argue that we ought to wait on this until that process is completed. But they aren't equal. To date, most of the mitigation that has taken place for fish losses in this Columbia Basin have been down below Bonneville. It's time, frankly, that the people up above Bonneville are able to see that somebody is interested in the restoration and enhancement of the fishery up above those dams. And, of course, the runs that really need the most help are the upriver runs at this point.

The other thing that has been pointed out to you here, I know, is the strong political support.

In several of these arid basins, the major problem in the restoration of fish is the competitive uses of water and the terrible, terrible strife that can ensue.

Here, for a comparatively small amount of money, we're able to enhance the supply of water so we're going to end up with water for the fish and the irrigators aren't going to be hurt. I would that it were this easy to do in other arid basins in this area.

The Yakima, for instance. In my judgment, we're not going to solve our problems there or here until we enhance the water supply. And I think it can be done up there. It's going to take a lot of good will and a lot of cooperation; such has been demonstrated already in this Umatilla Basin.

So the Council strongly supports it. As an individual, I might say that as I read your bill I had a couple of problems.

One is that you direct Bonneville in one of the early sections—4, I think—to provide the power for the pumps. And yet you don't say at what rate Bonneville is to charge for this power.

That isn't a subject that's free from controversy. The Council hasn't taken a position on it yet. All I'm suggesting is it would be

useful, I think, to put in the price at which the program is to be charged for the energy that is to be furnished by Bonneville. I think if it goes into the bill, we save a lot of strife out here.

Our Council has had some success in developing a consensus and perhaps we can undertake this and try to develop a consensus as to what it ought to be.

It came to my attention because over in Section 10, where you provide for excess capacity to be made available to the irrigators, you do specify the price at which the irrigators should pay for that power. Now, I don't know whether that price is the right price or not. My judgment, as I sit here, is that the price ought to be the same to both.

And I would—again, I say I'm testifying as an individual, not on behalf of the Council here—but as we get deeper into this question, perhaps you'll permit us to supplement our testimony and give you any additional suggestions we have.

And then there's something that struck me as somewhat amusing. And that is, on the last page, 8, this is an authorization for an appropriation. And on the last page you say that the Secretary shall not request an appropriation of funds to construct any facilities which are a part of the Columbia River Basin Fish and Wildlife Program.

Now, if the Secretary of Energy isn't going to request funds to be appropriated, I wonder just who in the blazes is. I sure wouldn't expect Ed Meese to ask for any, and I doubt very much if President Reagan would ask for any.

Now, it may be that you're simply trying to segregate appropriated funds from those funds which Bonneville would borrow for other portions of this project. In the last analysis, it will all be paid for by the ratepayers up here.

Those are the only two suggestions I had. The one that I think is reasonably important and which would improve the bill would be to designate the price at which Bonneville would charge for that power.

Thank you, Senator.

[The prepared statement of Mr. Duncan follows:]

STATEMENT OF ROBERT DUNCAN, Member

Northwest Power Planning Council

Before Subcommittee on Water and Power

Committee on Energy and Natural Resources

at a Hearing on S.1613 _

Pendleton, Oregon, February 8, 1988

Mr. Chairman and members of the Subcommittee, my name is Bob Duncan, and I represent the state of Oregon on the Northwest Power Planning Council. I appreciate the opportunity to appear before you today to present our views on S.1613, a bill to authorize construction of the Umatilla Basin Project..

Mr. Chairman, as you know, the Council was established by Congress in the Northwest Power Act and created as an interstate compact by the states of Idaho, Montana, Oregon and Washington. Its purpose is to develop a 20-year regional electric power plan to ensure that the Northwest has an adequate supply of power at the lowest possible cost. The Council also is required to develop a major fish and wildlife program to rehabilitate Columbia River Basin fisheries resources which have been harmed by hydroelectric development. In 1982, as mandated by the Northwest Power Act, the Council adopted the Columbia River Basin Fish and Wildlife Program to protect, mitigate and enhance the fish and wildlife damaged by hydro development in the region. This program is

the first systemwide approach to dealing with the impacts of our treasured hydropower system on the Columbia Basin's resources.

This Fish and Wildlife Program contains measures to improve fish runs in the Umatilla basin by improving stream habitat and instream flows, improving fish passage at major irrigation diversions, and augmenting anadromous fish production by construction of major acclimation and propagation facilities dedicated to the Umatilla basin.

Progress towards improvements in the Umatilla basin has been excellent. Under the leadership of Bonneville Power Administration the Council's Program has been implemented starting with improvement of fish passage facilities at irrigation diversions. Much of the work consists of placing screens at the diversions to reduce fish losses in the river. Other activities being undertaken now include the construction of acclimation ponds at Bonifer and Minthorn for final rearing and release of juvenile steelhead and salmon, planning and initiation of an adult and juvenile trap and haul system to avoid losses in areas where there are low stream flows, and at least thirteen locations or stream sections where stream habitat improvements will be made to increase natural production. As a result of the Fish and Wildlife Program, Bonneville estimates that it will spend approximately $15 million on these measures. In addition, construction of major hatchery facilities near Irrigon, will allow for the reintroduction of spring and fall chinook and for the continued release of steelhead into

the river basin. Cost estimates for the Umatilla hatchery by Bonneville indicate that the hatchery facilities will cost between $5 and $8 million for construction. These are significant investments in the Umatilla Basin which will be borne by the region through Bonneville as part of the non-federal contributions to the Umatilla Basin Project.

In 1987 the Council adopted a goal of doubling the runs in the Columbia Basin above the current level of 2.5 million salmon and steelhead. In establishing this goal, which is only a fraction of the losses caused by the hydroelectric system, it was realized that many of the losses occurred in the upper portion of the Columbia and Snake River drainages. It was also realized that many past enhancement activities under the Mitchell Act, for example, had occurred downriver, at or below Bonneville. Most of the losses, however, were upriver from Bonneville Dam, where the least mitigation for damage had occurred. Not all of these losses were due to hydropower, but a major decline of fish coincides with the construction and operation of the dams. In order to address further the impacts of these losses, the Council supports S.1613. This legislation will help in our efforts to address the decline in fishing resources and will contribute to achieving the goals of the Fish and Wildlife Program for the entire Columbia River Basin.

As you know, significant enhancement activities are already under way in the Umatilla Basin under the Power Act. S.1613, the Umatilla

Basin Project Act, can contribute significantly to the Council's goal and represents a creative solution participated in by both fish and water interests to improve instream flows. At the request of the state fish and wildlife agencies and the Umatilla tribe, the Council amended the program to call for Bonneville to pay operating and maintenance costs or to provide replacement power for an exchange of Columbia River water for Umatilla River water. Authorization of the pumping project as outlined in S.1613 would provide the crucial link needed to maximize benefits of the coordinated activities now being undertaken in the Umatilla Basin.

Thank you, Senator Hatfield, for the opportunity to testify today. Let me compliment you on your past efforts to continue progress on this project. Your amendments to the budget over the last four years have provided funding for the planning and design of the scaled-down project. Without your leadership, we would not be in a position to discuss in any detail the construction and operation of the proposed project. I commend you on your efforts and look forward to working with you on this and other activities in the future.

Senator HATFIELD. Thank you very much. I appreciate your coming here today and the contribution and pointing these matters out.

As you can appreciate, there are other—this bill is not locked in concrete, that we are in a position to make some changes. The Confederated Tribes also made some suggestions today and others as well.

And that's, of course, the purpose of the hearings, is to get the input of those who are experts in many areas that are involved in this bill and we'll know more significantly how they impact once they're put into operation. So that's very helpful to us.

Mr. DUNCAN. Senator, I'd like to say for myself and I'm sure for everybody here, we appreciate your coming out here, too.

It's easy to get involved in major national and international issues in Washington, but it's terribly important that one not forget the local issues that are so important to your constituency and over your years in office that's been one of your attributes and we appreciate it.

Senator HATFIELD. Thank you very much.

Are there any other people who now wish to either submit information or wish to be heard? If not, I want to thank everyone for their cooperation in maintaining the brevity of this hearing.

Before concluding today's hearing, I would like to recognize a few individuals who contributed to these proceedings. First, I want to thank Russ Brown, professional staff member on the Senate Committee on Energy and Natural Resources. Russ was the one responsible for the logistics and operation of today's hearing. As usual, he has done a top-notch job. Russ' many years of service in the Senate make him an invaluable asset to all of the Senators on the Committee.

I also want to thank both Mike Salsgiver and Mark Walker of my personal staff for their work over the past several months on this bill. I know they have spent many hours acquainting themselves with the project, and getting to know many of the people who have testified at today's hearing.

Finally, I want to thank our reporter, Jeannine Kennedy, for her efforts. We sometimes take our reporters for granted, so I especially want to let her know how much I appreciate the work she has done to ensure that today's remarks will appear in the permanent hearing transcript.

Thank you very much. The hearing is adjourned.

[Whereupon, at 11:30 a.m., the hearing was adjourned.]

[Subsequent to the hearing the subcommittee received the ollowing:]

PNUCC

PACIFIC NORTHWEST UTILITIES CONFERENCE COMMITTEE

February 25, 1988

The Honorable Senator Mark O. Hatfield
Senate Committee on Energy and Natural Resources
Subcommittee on Water and Power
Washington, D.C. 20510

Dear Senator Hatfield:

The purpose of this letter is to provide the Pacific Northwest Utilities Conference Committee (PNUCC) comments on your recently reintroduced bill, S.1613, "Umatilla Basin Project Act." We intended to present oral testimony at your field hearing in Pendleton on February 8, 1988, however, we were informed that all available time had been allotted. We thank you for keeping the record open to allow for written comments.

PNUCC is a non-profit corporation that represents the three major customer groups of the Bonneville Power Administration (BPA): the public utilities, investor-owned utilities, and direct service industries of the Pacific Northwest. PNUCC has been actively involved in fish and wildlife matters since the passage of the Northwest Power Act. PNUCC members, as BPA customers, contribute through rate payments more than $100 million annually to fish and wildlife protection, mitigation, and enhancement in the Pacific Northwest.

As the fishery enhancement proposals have been developed for the Umatilla Basin, PNUCC has studied and commented on them, including those relating to the Bureau of Reclamation's Columbia River Pumping Plan and BPA's activities under the Northwest Power Planning Council's Fish and Wildlife Program. PNUCC fishery experts are concerned about the magnitude of the benefits that have been attributed to the pumping project. We believe the fishery benefits have been overstated. (Please see attached letters.) Furthermore, while the pumping project may increase flows in the lower Umatilla River and satisfy irrigation demands, it will do nothing to increase flows on the upper river where low flows are particularly important to the fishery resource.

Specific to S.1613, PNUCC is opposed to provisions that require BPA to provide free power for project pumping or reduced rates to irrigators for excess pumping capacity. The objective of this legislation is to resolve conflicts between irrigators and Indian tribes which have been brought about by scarce water resources in the Umatilla Basin. The source of this scarcity and the damage to the basin's fishery resource is federal reclamation activities and associated irrigation withdrawals. It is unreasonable to expect the ratepayers of the Pacific Northwest to provide funds to correct the problems created by federal and state water resource development or appropriations in the basin.

The Northwest Power Act prohibits BPA expenditures "in lieu of other expenditures authorized or required from other entities under other agreement or provisions of law." (Section 4(h)(10)(A)). Both federal and state statutes mandate the protection of anadromous fisheries and mitigation of impacts due to water resource developments. Clearly, the Bureau of Reclamation and others have the responsibility to mitigate for the damage done to the Umatilla fishery.

BPA ratepayers have already spent $7 million on fishery enhancement projects in the Umatilla Basin and planning is underway that would commit BPA to an additional $20 million over the next five to ten years. None of BPA's expenditures in the Umatilla mitigate direct impacts of hydroelectric development or operation, but rather provide screening at irrigation diversions, improvements to fish habitat damaged by siltation and debris, and hatcheries to provide fish to rebuild runs. The Council determined that this was the appropriate level of enhancement to be provided under the Northwest Power Act to assist the Council in meeting its goal to double the fish runs in the Columbia River Basin.

We strongly believe that this $27 million commitment of BPA funds represents a reasonable share of ratepayer involvement in the Umatilla. Additional funding through free BPA power for pumping or subsidies to irrigators through rates which are lower than BPA's irrigation discount are inappropriate.

We urge that S.1613 be revised to specify that any power provided by BPA (1) to the Bureau of Reclamation for project pumping shall be at the lowest mutually agreeable reasonable cost and (2) to the irrigators for excess capacity pumping shall be provided at BPA's irrigation discount rate. In addition, we ask that the proposed legislation (1) indicate that BPA funding of fish enhancement measures under the Northwest Power Act shall be considered as local expenditures and that nothing in the bill obligates BPA to any additional expenditures, and (2) reaffirm the statement made in the recent Umatilla Planning Report EIS that the costs of constructing the pumping project are not to be repaid by BPA.

Again, thank you for keeping the record open on this proposed legislation and affording us this opportunity to comment.

Sincerely,

Pamela Barrow

Al Wright
Executive Director

PB110
Attachments

PNUCC

PACIFIC NORTHWEST UTILITIES CONFERENCE COMMITTEE

October 30, 1986

John W. Keys, III
Regional Director
Pacific Northwest Region
U.S. Bureau of Reclamation
Attention Code 150
Box 043
550 West Fort Street
Boise, Idaho 83724

Dear Mr. Keys:

This letter constitutes the comments of the Pacific Northwest Utilities Conference Committee (PNUCC) on the Bureau of Reclamation (Bureau) document Umatilla Basin Project Oregon: Planning Report--Draft Environmental Statement (DES 86-32).

PNUCC is an association of 132 investor-owned utilities, public utilities, and Bonneville Power Administration direct service industrial customers in the Northwest region. We have actively participated in and commented on the fish and wildlife issues in the Umatilla Basin and have followed this project with interest. We welcome this opportunity to provide the Bureau with our comments on this document.

In summary, PNUCC's position, which will be expanded below is that:

a. we believe that irrigation has the major responsibility for fisheries mitigation in the Umatilla Basin. Therefore, the Bureau should seek Congressional funding for fish passage improvements at irrigation structures;

b. we oppose BPA funding for costs of electric power for the pumping project; and

c. we disagree with the projected fishery benefits and believe that they are founded on an uncertain basis and are overstated.

1. Fish Passage Improvements

Direct fishery impacts within the Umatilla Basin are the result of irrigation development and operation and not from hydroelectric development and operation. Therefore, under the Pacific Northwest Electric Power Planning and Conservation Act (Power Act), BPA has no direct mitigation obligation in the Umatilla Basin. But funding for activities may be provided at the administrator's discretion as off-site enhancement for FCRPS impacts (Power Act Section 4(h)(3)(A)). However, such is to be in addition to, not in lieu of, other expenditures authorized or required by other entities under other agreements or laws (Power Act, Section 4(h)(10)(A)).

Since irrigation development is the major cause of declines in fish runs in the Umatilla, we believe the Bureau has responsibility to provide funding for passage improvements at irrigation facilities. BPA, under the Administrator's discretion, has already spent a considerable amount of ratepayer funds in the Umatilla and while PNUCC objects, BPA may very likely expend a considerable amount more. We believe that it is only equitable that there be some cost-sharing arrangement between BPA and the Bureau for funding of fish passage improvements at irrigation facilities. There is precedent for such an arrangement as cost-sharing among BPA, the Bureau, and other entities was achieved in funding of fish passage improvements at irrigation facilities in the Yakima Basin in Washington State. All references to BPA funding of fish passage facilities should be deleted from the Draft Environmental Statement (EIS).

2. Power for Pumping

A major concern with the proposed plan is the assumption that BPA will provide free pumping power for the irrigation water exchange. This is an invalid assumption, since BPA is precluded from funding other agencies' responsibilities by Section 4(h)(10)(A) of the Power Act.

The fishery benefits derived from the proposed water exchange are designed to resolve the over-appropriation of irrigation withdrawals. Therefore, it is only appropriate that the cost of the pumping power to be a Bureau expense not a ratepayer expense. All references to ratepayer funding of power for pumping should be deleted from the Draft Environmental Statement (DES).

3. Fishery Benefits

PNUCC does not agree with the projected fishery benefits of the proposal. We believe they are overstated and that consequently the benefit-to-cost ratio of the project is overly optimistic.

The fishery benefits attributable to the proposed project are presented in Table 7-17 (p. 7-21). Apparently these numbers originated at National Marine Fisheries Service and the U.S. Fish and Wildlife Service. In 1985, the Oregon Department of Fish and Wildlife completed an evaluation of the fishery benefits of several alternative means to enhance the anadromous fishery in the Umatilla Basin (A Comprehensive Plan for Rehabilitation of Anadromous Fish Stocks in the Umatilla Basin, January 1986). The proposed Bureau project was included as an alternative in this evaluation. ODFW's numbers are summarized in the attached table (see Attachment 1) and differ somewhat from the Bureau's estimates in Table 7-17.

In September 1985, PNUCC provided comments to BPA On the above Comprehensive Plan (see Attachment 2). In commenting on numbers PNUCC and its consultant, Dr. Don Chapman stated that the numbers of chinook appear to be very optimistic. Fall chinook potentials were over estimated due to the assumption that spawning gravels were of higher quality than are the case. This appears to be corroborated on p. 4-19 with the reference to many stream gravels in the basin having more than 15 percent sediment coverage. We have also included a

publication from Oregon Department of Fish and Wildlife that discusses the sedimentation problem (see Attachment 3). Spring chinook are probably over estimated due to increased disease mortality.

In addition to our concerns about the potential for fish production in the Umatilla we are also concerned that there is no assurance that increased flows from the project will stay in the river. Experience with flow augmentation for fish below Painted Rocks Reservoir in Montana has indicated that increased flows lead to increased diversions with no net benefit to instream flows. While the Bureau proposes agreements with some irrigators, there is no guarantee of increased instream flows because not all holders of water rights more senior to those asserted for fish will be included in the agreements.

Further, even if water is assured, based on Table 7-10 the Bureau's proposal will not provide sufficient flows to meet recommended minimum June flows during 78% of the years and the end of September flows during 89% of the years. Granted that this is an improvement over current flows, however, this means that in 9 out of 10 years, fall chinook will be further delayed by low flows.

Recommendations:

PNUCC makes the following recommendations:

1. The Bureau should seek Congressional authorization for funding these projects. If the BPA Administrator chooses to use his discretionary power to provide some BPA funding, the Bureau should negotiate a cost-sharing arrangement with BPA (like the Yakima arrangement) regarding funding for fish passage improvements at irrigation diversions.

2. The Bureau should delete all references to BPA funding of pumping power and include this cost as a Bureau responsibility.

3. The Bureau should recalculate the fishery benefits of the project since the projected numbers of additional fish to be produced are overstated.

Thank you for the opportunity to comment. We hope that you find our suggestions helpful.

Sincerely,

Pamela Barrow

for Al Wright
Executive Director

TG:lk:100PP

Attachments

ATTACHMENT 1

UMATILLA BASIN

SUMMARY OF NATURAL PRODUCTION FISHERY BENEFITS OPTIMISTIC (HIGH) ESTIMATES*

(Number of Adults Returning to Mouth of River)

Action	Flows					
	Existing			CRP Plan		
	StS	Ch F	Ch S	StS	Ch F	Ch S
#1 No Action	682	3	41	1,169	956	214
#5 With upstream/downstream passage	1,416	973	190	1,891	9,285	546

Net Benefits	Number of Adults Returning to Mouth of River			
	StS	Ch F	Ch S	Total
Additional passage without flow (5A - 1A)	734	970	149	1,853
Additional flows without passage (1B - 1A)	487	953	173	1,613
Both flows and Passage (5B - 1A)	1,209	9,282	505	10,996
Incremental Benefits of Flow beyond passage (5B - 5A)	475	8,312	356	9,143

* Source: Comprehensive Plan for Rehabilitation of Anadromous Fish Stocks in the Umatilla River Basin. ODFW, January 1986

BUREAU OF RECLAMATION
SUMMARY OF FISHERIES BENEFITS
(Table 7-17)

	StS	Ch F	Ch S
"Natural Fish Escapement Attributable to Recommended Plan"	600	10,6833	100

ATTACHMENT 2

PNUCC

PACIFIC NORTHWEST UTILITIES CONFERENCE COMMITTEE

September 13, 1985

John Palensky - PJ
Director, Division of Fish and Wildlife
Bonneville Power Administration
P.O. Box 3621
Portland, OR 97208

The Pacific Northwest Utilities Conference Committee (PNUCC) submits this letter in response to BPA's request for comments on the Comprehensive Plan for Rehabilitation of Anadromous Fish Stocks in the Umatilla River Basin. The PNUCC Fish and Wildlife Committee and our consultant, Dr. Don Chapman, have reviewed the plan. Dr. Chapman's written comments to PNUCC are attached to this letter. Based on these reviews, PNUCC opposes BPA proceeding with full implementation of this plan at this time based on the following concerns.

The level of production of steelhead, spring chinook, and fall chinook estimated in this plan cannot possibly be achieved until sufficient water flows are provided, particularly in the lower sections of the Umatilla River. PNUCC does not support BPA funding of additional fishery projects within the Umatilla Basin until the water resource problems within the basin have been solved. Further, PNUCC is seriously concerned about BPA involvement in water resources development and particularly opposes BPA funding of any water resource enhancement aspects of the Umatilla plan. PNUCC is developing an official policy statement on BPA involvement in water resources development which will be submitted to BPA at a later date.

While PNUCC supported the use of off-site enhancement to address the fishery impacts of irrigation development in the Yakima Basin, our support was based on the following specific conditions: (1) the proposed activities were biologically sound; (2) equitable cost-sharing among interested parties was achieved; and (3) the Yakima was to be a "test case" for the enhancement provisions of the Northwest Power Act. PNUCC does not believe that these conditions can be satisfied in the Umatilla Basin because, as discussed above, there is insufficient available water and, based on Dr. Chapman's attached comments, we do not believe the habitat improvement measures will provide sufficient benefits to make the Umatilla Plan biologically sound. In addition, there is no indication of any attempt to achieve equitable cost-sharing. Further, PNUCC does not support any new major enhancement efforts until the Yakima test has been proven successful and a mechanism for crediting the use of BPA funds as off-site enhancement is established.

Any efforts to enhance the fishery in the Umatilla Basin prior to solution of the water problems should be concentrated in the lower river and limited to the artificial production and hatchery supplementation projects currently approved and funded by BPA under the Fish and Wildlife Program. Efforts to provide natural production of mainstem spawning fall chinook do not appear to be reasonable at this time. However, once adequate flows are supplied in the lower river, the feasibility of this aspect of the project might be reviewed. PNUCC suggests that any future feasibility study should include investigation of coho production as discussed on page 1 of Dr. Chapman's comments.

In conclusion, PNUCC does not support any BPA funding for further projects in the Umatilla Basin until such time that the water resources problems are solved. However, BPA should encourage the parties in the Umatilla to resolve their water resources problems and should support and assist the Bureau of Reclamation in seeking the Congressional appropriations necessary for construction of the flow enhancement projects in the plan.

Sincerely,

Diana E. Snowden

Diana E. Snowden
Executive Director

PB:gh:142AA

Attachment

cc: Janis Chrisman, NW Power Planning Council

UMATILLA DRAFT REPORT

Detailed Comments of Dr. Don Chapman

P. ii: "Summer steelhead have been released into the Umatilla since 1981 (up to 60,500 yearlings and 67,980 subyearlings have been released annually)."

Steelhead juveniles were also released 1967-1969 in the Umatilla, a total of 722,000 fish (Draft II, BPA Stock Assessment of Col. R. Anadromous Salmonids).

P. ii: Paragraph 2 discusses past releases of fall chinook in the basin.

Since 3.54 million tules were planted in 1982, the first adults should have returned in 1984, and the majority will return in 1985. I think these recoveries will tell us whether juveniles can do well, and depart the Umatilla before summer high temperatures. Additionally, upriver bright fall yearlings that were released in 1983 should partially appear this fall. If returns in 1984 and 1985 are poor, this would be an indication that the Umatilla is not good chinook habitat. I am somewhat surprised that hatchery coho are not the preferred species here. They would leave the stream in May, would not be dependent upon freshwater summer rearing, and broodstock could be obtained easily at Three Mile trap. Even in extremely low-flow years, the hatchery fish would depart before critical conditions develop. Adult timing of Washougal coho, for example, tends to be late, so low fall flow would be less critical.

P. iii, Last Paragraph: "In the past, biologists have observed that the channel was a complete barrier to summer steelhead at flows less than 200 cfs."

I think that documentation of the last sentence is needed. I don't trust observations like this one.

P. iv, Paragraph 3: "Survival of hatchery and wild juveniles over all screened and unscreened diversions under existing flows is estimated to be 78.6-87.6 percent for summer steelhead, 22.2-80.6 percent for fall chinook, and 82.6 percent for spring chinook."

If one examines the underlying estimates on which this sentence is based, one finds very tenuous calculations without hard data.

P. 12: Last line "... because of low stream flows, adults would not be able to enter the river until November in most years. Spawning will likely occur in the main stem Umatilla during November and December. ... juveniles will migrate to the ocean the following late spring and summer (May-July) ..."

If upriver brights are used, their spawning will begin in mid-October, peak about November 12, and be over by November 25, based on Hanford Reach experience. The fry would emerge in mid-April to early May depending on incubation temperature. I expect that some would still be present as late as early July, but most would leave in June. I'd be concerned about temperatures.

P. 13: "Most steelhead adults resulting from the first large hatchery release (1982) will return during the winter of 1984/85 ..."

Results from the 1982 steelhead smolt release are now available (see last paragraph). What were they?

P. 37, Paragraph 2: "The FWS (1984) felt that passage conditions at Three Mile Dam are probably on the low end of these ranges ... The drop of fish over the dam or through the bypass may result in significant injury and mortality of juveniles."

Implies that a study of louver efficiency has been done at Three Mile. This is not true. The conjecture at the bottom of this paragraph is not supported by any observations or data.

P. 66: Table 15 lists habitat improvements proposed for the Umatilla Basin.

I have no way of evaluating whether the Umatilla tribal assessments of habitat improvements are reasonable, or whether structural changes will be hydraulically permanent. Many are not, if not based on sound hydro-geomorphology and stream sense.

P. 76: Table 19 lists costs for habitat improvement projects, including estimated annual maintenance for: holding pools - $60 each; deflectors - $20 each; weirs - $20 each; and boulders - none.

I think annual maintenance will be much greater than shown for holding pools, deflectors, weirs, and boulders.

P. 77: This page discusses in general terms the methods used to calculate fishery benefits.

It is important to compute benefits in monetary terms, so that benefits and costs can be compared. It is not satisfactory to argue that fishery benefits have considerable error associated with them, for this is equally true of the costs of fish enhancement and flow augmentation. Responsible fishery managers will want to know the B:C ratio. If a decision is made to proceed even if the B:C ratio is tractional (costs higher than benefits), it should be made with full awareness of income transfer.

P. 83: "As shown in Table D-18, even with upstream passage improvements, survival of fall chinook to Three Mile Falls Dam would be only 60.8 percent under existing flows. However, with enhanced flows of the CRP/Meacham Dam Plan, survival . . . would be 89.0 percent."

Percentage survivals shown in Table D-18 are guesswork with tenuous bases. Incremental benefits associated with flow enhancement are stated as quantified but are based on very tenuous estimates. I am not criticizing an effort to quantify; merely pointing out the spongy character of the information.

P. 126: "Available data indicate that most fall chinook juveniles will migrate from the Umatilla prior to the low flow months of summer."

I do not expect fall chinook to be gone from the Umatilla by early July. Rearing flows may be important in June and July.

P. 126, Item 2: Spawning potential of the Umatilla was estimated by the ratio:

$$\frac{\text{Spawning potential of ChF in Umatilla River}}{\text{Total ChF spawning area}} = \frac{\text{ChF spawners in Deschutes River}}{\text{Total ChF spawning area}}$$

Deschutes is of much better general quality than the Umatilla, for both incubation and rearing. But more important, were the gravel areas in the Deschutes measured with IFIM as they were in the Umatilla? I doubt it, as Aney's work in 1967 was pre-IFIM.

P. 134: This page and Table D-1 discusses adult upstream passage estimates for the main irrigation diversion dams.

This, and Table D-1, are guesswork without data.

P. 149: This page discusses the benefits to adult upstream passage of passage improvements and increased flows.

I suspect the cheapest form of improved passage for summer steelhead and chinook is trucking, and that the dollar benefits from water augmentation will not equal costs.

P. 154-160: These pages present the assumptions used to calculate downstream juvenile passage.

Based on some very gross assumptions.

P. 165-166: These pages discuss the estimates of adult and smolt trucking benefits.

Depends upon whether reasonable estimates of mortality at and below Three Mile Dam are made. No hard data are available.

Appendix C: This appendix presents the assumptions and calculations to estimate potential production of summer steelhead, fall chinook, spring chinook, and hatcheries.

Steelhead material on survivals look conservative and realistic in terms of production under existing conditions.

P. 124: This page discusses spawning gravel assumptions for fall chinook.

An evaluation of "good spawning gravel" in a stream as silted as the Umatilla ought to include sieving of samples to assess percentage of fines, estimates of permeability, and plants of "green" eggs in 20 or so gravel sites to assess survival. Predicting that 11,000 adults can use the Umatilla is risky business without these evaluations. IFIM uses a gravel surface "eyeball" determination that tells one nothing about intragravel conditions. Chinook are notoriously poor at distributing evenly, also. I think the numbers are too optimistic.

Perhaps ODFW has data that prove "good" gravel. If so, they should be added to Appendix C. Suspicion arises that over 10,000 falls cannot be accommodated in the Umatilla when one recalls that the escapement goal for upriver bright falls over McNary is only 40,000 fish. Is the Umatilla going to produce 25 percent as many fish as the Hanford Reach and Snake? Doesn't sound right to me.

General Notes

Water quality, especially suspended sediments, seem to be neglected in the draft. This is a stream subject to rain-on-snow events and intense rainstorms that move great amounts of silt. Mainstem spawning and rearing may or may not be marginal for fall chinook. One cannot tell from the data provided.

Fishery enhancement (p. vii in executive summary) costs $10 million plus annual O&M of $186,697. If we annualize the construction/capital across 30 years, we get roughly $1 million. Additionally, at $4.50 (includes capital and O&M) per pound for hatchery fish (about 192,900 pounds of fish, according to numbers in Table 22, page 88) one would spend about $870,000 per year on hatchery releases. Thus, total annual enhancement costs (natural and hatchery would be about $2.07 million. Annualized costs should be calculated additionally for flow enhancement.

What is finally needed is for the authors of the report to refine the annual amortized cost calculations for each incremental flow enhancement alternative and to calculate catch benefits (in dollars) that will result from these expenditures. Until this is done, it is impossible to estimate whether it is all worthwhile or whether some incremental measure gives a positive benefit or not. If ratepayer representatives are to evaluate merits of various measures, this economic evaluation must be done.

I have some concerns with:

1. Suitability of the drainage for spring chinook in regard to holding pools.

2. The projected natural production of fall chinook looks too great for this drainage. Hatchery-supported fall stock may be feasible.

My answers to Pam Barrow's questions of August 6, 1985 are:

1. I have strong doubt that natural production will produce 11,000 fall chinook. I think the natural steelhead numbers are realistic. Spring chinook are very "iffy." I think hatchery production of falls and steelhead can be accomplished in the Umatilla Basin. I doubt that hatchery spring chinook production can be 10,000 fish.

   Question 1 requested an assessment of "whether the existing water in the Umatilla Basin can produce the numbers of fish (15,000) predicted by the plan."

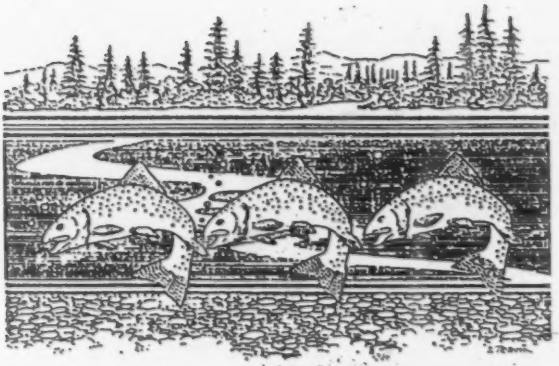
2. The incremental benefits provided by water flow enhancement are very "spongy," based on almost no hard data.

   Question 2 asked "whether the incremental benefits provided by the various additional water sources are realistic."

I have strong fear that the catch benefits of various flow enhancement measures will not equal annual costs. I think that making the best of existing flows with fishery enhancement and hatcheries may be the only reasonable alternative. If fall chinook (upriver brights) are to be a key race here, some purchase of McKay storage may be essential to get October flows high enough to pass or truck adults.

Bolded material inserted into Dr. Don Chapman's comments of August 20, 1985.

ATTACHMENT 3



The Effects of Stream Alterations on Salmon and Trout Habitat in Oregon

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1985

Although the research or investigation described herein has been funded wholly or in part by the U.S. Environmental Protection Agency through grant 000-217 to the Oregon Department of Environmental Quality and passed through to the Oregon Department of Fish and Wildlife, it has not been subject to the Agency's peer and adminstrative review and therefore does not necessarily reflect the views of the Agency, and no official endorsement should be inferred.

correlated with production of coho (Nickelson and Hafele 1978) and chinook (Bjornn et al. 1977). Structure decreases water velocities so that spawning gravels transported during higher flows are deposited. Downstream structures trap and stabilize the gravel as well as organic material, which is processed by invertebrates and cycled through the food chain.

Cover

Instream cover can take many forms: overhead cover (undercut banks, water turbulence, floating debris) and submerged cover (logs, boulders and coarse substrate, vegetation, root wads). Both cover types are used extensively by most salmonids. Instream cover provides refuge from predators, slack water areas, shade, and territorial isolation. It is difficult to determine exact cover requirements for salmonids since needs vary diurnally and seasonally and according to species and size. Submerged cover consisting of rock and rubble substrate provides refuge for newly emerged and overwintering juveniles, partiuclarly 0-age steelhead (Reiser and Bjornn 1979). Coho juveniles and age 1+ steelhead are most frequently associated with logs and root wads and, to a lesser extent, undercut banks (Bustard and Narver 1975). Although cover is most important during juvenile rearing, spawning areas with adjacent cover may be preferred by adults (Reiser and Bjornn 1979).

Losses of Instream Habitat

Changes in channel shape and depth, gravel size and composition, streambank stability, amount of woody debris, or riffle:pool ratios directly influence stream habitat for salmonids. The following are the most significant instream habitat problems in Oregon.

Sedimentation and debris torrents

Heavy silt loads in streams are detrimental to production of salmonids. High turbidity can stop or delay adult migration and interfere with sight feeding fishes including salmonids. Prolonged exposure to abrasive suspended sediment can injure the gill surfaces. Excessive fines can cement the gravel together so that it is difficult for adults to construct redds. Fines reduce the permeability of the gravel, decreasing the flow of oxygenated water to and the removal of metabolic wastes from incubating eggs and hatched alevins (Wickett 1958; McNeil and Ahnell 1964). Fry emergence is poor in gravel imbedded with fines (Koski 1966; Moring 1975). Food production from aquatic insects declines. Siltation also decreases pool size, reducing rearing and holding area.

Sediment enters Oregon streams from surface runoff, gulley erosion, and mass wasting. Soil disturbance and removal of vegetative cover related to road building and construction, farming, logging, and grazing increase erosion and the delivery of sediment to streams. ODEQ (1978) has identified general regions in Oregon where erosion potential and sediment delivery rates are high, and where sedimentation and streamside erosion create significant nonpoint pollution problems in Oregon streams and rivers. Erosion rates in the Umatilla

Plateau, for example, are among the highest in Oregon and are estimated at 1,000-2,000 tons per square mile per year. The fallow system of dryland wheat farming in this and other areas exposes bare soil for extended periods and accelerates soil loss. In some areas of intense row crop production, turbidity and sedimentation are chronic problems due to the return of warm, turbid irrigation water directly into streams. Such areas are frequently unsuited for salmonid production.

Most studies of the effects of sedimentation on fish production in the Northwest have focused on forest lands. In steep mountainous terrain of the region, landslides or debris avalanches are the dominant erosive process (Brown 1973; Swanson and Dyrness 1975) and can significantly affect instream habitat. Episodes of debris avalanches are most commonly associated with periods of heavy rainfall or rain-on-snow events (Ketcheson and Froehlich 1978). In the Cascades, storms of a 7-year occurrence or greater cause debris avalanches in forested areas (Swanston and Swanson 1976). In the Coast Range a large number of small mass movements are produced by large infrequent storms as well as by more frequent storms that occur every 5 to 10 years (Ketcheson and Froehlich 1978). A large number of landslides related to land management activities occurred in the Mapleton Ranger District (Siuslaw National Forest) following winter storms in 1973-74 and after a major storm in November 1975 (Gresswell et al. 1979).

The frequency of landslides and rate of erosion in Oregon forestlands vary greatly with location, slope, and soil type. Increased probability of debris avalanches has been associated with certain "high risk" land types. On the Central Oregon coast, for example, the following areas frequently experience debris avalanches:

1. Headwalls and channel depressions on slopes 60% or greater.
2. Slopes 80% or greater.
3. Sandstone outcroppings.
4. Steep, deeply cut drainage channels with bedrock bottoms (Ketcheson and Froehlich 1978).

Debris avalanches can cause debris torrents in streams. Debris torrents result from the rapid movement of water-charged soil, rock, and vegetation along stream channels. Some torrents are started by debris avalanches less than 100 yd^3 but collect up to 10,000 yd^3 of debris along the torrent's path. Torrents often remove most of the structure, gravel, and vegetation in their track and scour the stream channel to bedrock (Swanston and Swanson 1976). As a debris torrent loses velocity in lower gradient reaches of a stream, large quantities of rock, soil, and wood are deposited. Large debris and sediment jams can block the upstream passage of adult salmonids. The channelized character of the stream above the jam and reduced recruitment of stable structural material from adjoining logged areas can limit production in that section for many years.

Debris avalanches usually begin in upper drainage areas triggering torrents in steep, intermittent first- and second-order channels. Where these small tributaries enter larger streams at a sharp angle, debris torrents may not have the energy to turn the corner and continue downstream (Ketcheson and Froehlich 1978). Small debris torrents that entered Knowles Creek in the